federal register

MONDAY, JUNE 4, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 106

Pages 14661–14732

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

REMINDERS

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

JUNE 4

AEC—Financial protection requirements and indemnity agreements; nuclear energy liability policy.. 11066; 5–4–73

DIBA—Foreign excess property regulations..... 11068; 5–4–73

F&D—Pyrophyllite; safe and suitable for use as a color additive in or on cosmetics under certain conditions..... 8650; 4–5–73

OSHA—Emergency temporary standard on certain carcinogens; access to controlled areas..... 10929; 5–3–73

—Occupational safety and health standards; sanitation..... 10930; 5–3–73

federal register

Area Code 202 Phone 962–8626

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that three positions of special assistant and one position of confidential assistant to the Assistant Secretary for Public Affairs are excepted under schedule C.

Effective on June 4, 1973, § 213.3316 (a) (29) and § 213.3316(a) (30) are added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) Office of the Secretary.

* * * * *

(29) Three special assistants to the Assistant Secretary for Public Affairs.

(30) One confidential assistant to the Assistant Secretary for Public Affairs.

* * * * *

(5 U.S.C. secs. 3301, 3302; Executive Order 10577, 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-11021 Filed 6-1-73;8:45 am]

PART 531—PAY UNDER THE GENERAL SCHEDULE

Salary Retention for Non-General-Schedule Employees Demoted to General Schedule Positions

Subpart E of part 531 is amended to provide salary retention for wage and other non-general-schedule employees who are reduced without fault on their part to general schedule positions.

SUBPART E—SALARY RETENTION

AUTHORITY.—5 U.S.C. 5337, 5338.

§ 531.501 Purpose.

The purpose of this subchapter is to provide the regulations necessary to administer section 5337 of title 5, United States Code, and carry out the intent of Congress in establishing salary retention benefits for employees whose demotion to general schedule positions are without personal cause, not at their own request, and not in a reduction in force due to lack of funds or curtailment of work.

§ 531.502 Entitlement.

(a) *Between general schedule grades.*—An employee who is demoted from one general schedule grade to another and qualifies under section 5337(a) of title 5, United States Code, and this subpart is entitled to salary retention.

(b) *From a non-general-schedule pay system.*—An employee (1) who is demoted from a grade, class, or position in a pay system other than the general schedule to a general schedule grade for which the representative rate of the general schedule grade is lower than the representative rate in the grade, class, or position from which he is demoted;

(2) Who holds a career or career-conditional appointment in the competitive service or an appointment of equivalent tenure in the excepted service or in the government of the District of Columbia;

(3) Whose demotion is not (i) caused by a demotion for personal cause, (ii) at his request, (iii) effected in a reduction in force due to lack of funds or curtailment or work, or (iv) with respect to a temporary promotion, a condition of the temporary promotion to a higher grade;

(4) Who, for two continuous years immediately before the demotion, served in the same agency and served (i) in one or more positions under the same pay system for which the grade or class is higher than the one to which he is demoted or (ii) in one or more grades, classes, or positions for which the representative rate during the 2-year period was greater than the representative rate (as adjusted from time to time during the 2-year period) in the general schedule grade to which he is demoted;

(5) Whose work performance during the 2-year period is satisfactory or better; and

(6) Who qualifies under this subpart;

is entitled to salary retention at a rate of basic pay determined under § 531.512 (b) for a period of 2 years so long as he—

(i) Continues in the same agency without a break in service of 1 workday or more;

(ii) Is not entitled to a higher rate of pay by operation of chapter 53 of title 5, United States Code; and

(iii) Is not demoted or reassigned for personal cause, at his request, or in a reduction in force due to lack of funds or curtailment of work.

§ 531.503 Definitions.

In this subpart:

(a) "Agency" has the meaning given that word by section 5102 of title 5, United States Code.

(b) "Employee" means an employee of an agency to which this subpart applies.

(c) "Rate of basic pay" means the scheduled rate of pay fixed by law or administrative action for the position held by an employee before any deductions and exclusive of separately stated pay of any kind.

(d) "Representative rate" means (1) the fourth rate in the range for a grade under the general schedule or a class under the Foreign Service Officer and Foreign Service Staff schedules (or the highest rate for the grade or class if there is no fourth rate), (2) the prevailing rate for a position under the Federal wage system, and (3) for other positions, the rate designated by the agency as representative of the position.

(e) "Retained rate" means the rate determined under § 531.512.

(f) "Salary retention" means an employee's entitlement to be paid at a rate fixed under section 5337 of title 5, United States Code, and this subpart, and includes those rates preserved by section 2 of the act of August 23, 1958, Public Law 85–737, 72 Stat. 830.

(g) "Salary retention period" means the period of not to exceed two continuous years during which an employee is entitled to salary retention under section 5337 of title 5, United States Code, and this subpart.

§ 531.504 Documentation.

When an employee is granted the benefits of this subpart, the agency concerned shall:

(a) Notify him of the action taken and the effective date thereof; and

(b) Make a written record of the action which becomes a permanent part of the employee's official personnel folder even though no salary change occurs at the time of demotion.

§ 531.505 Equivalent tenure.

(a) *Excepted service.*—When an agency has established an employment system for its excepted service on a basis comparable to the career-conditional or career employment system in the competitive service, the agency shall determine which excepted employees have tenure equivalent to career-conditional or career employees in the competitive service. When an agency has not established such a system, each excepted employee having an appointment not limited to 1 year or less is deemed to have tenure equivalent to a career-conditional or career employee in the competitive service.

(b) *Status quo employment.*—When an employee had an appointment in the excepted service of tenure equivalent to that held by a career-conditional or career appointee in the competitive service, and he continues to serve under the same appointment as a status quo employee, he continues as a status quo employee to have tenure equivalent to a career-conditional or career appointee in the competitive service in determining his entitlement to salary retention under this subpart.

§ 531.506 Demotion for personal cause.

A demotion or other personnel action for personal cause is an action based on conduct, character, or inefficiency of the employee.

§ 531.507 Demotion at employee's request.

The reference in section 5337(a) of title 5, United States Code, and § 531.502(b) to the demotion of an employee at his own request, includes a demotion to which he has consented in lieu of a proposed adverse action for personal cause, and one that he personally requests for another reason. The employee's consent to, or personal request for, a demotion shall be in writing and signed by the employee.

§ 531.508 Demotion in a reduction in force.

Salary retention does not apply to a demotion in a reduction in force due to (a) a lack of funds for personal services in the competitive area when that lack of funds results from a limitation imposed on an agency or a military department by outside authority, or (b) a curtailment of the number of man-hours required to perform the current work of the agency or department in the competitive area.

§ 531.509 Continuous service.

The period of two continuous years of service immediately prior to a demotion required by section 5337(a) of title 5, United States Code, or by § 531.502(b) includes any period or periods of nonpay status occurring in the 2-year period. Similarly, the salary retention period after demotion includes any period or periods in a nonpay status.

§ 531.510 Transfer of functions.

The movement of an employee with his function in a transfer of function between agencies does not terminate or defeat the employee's eligibility for salary retention in determining whether he remained "in the same agency," as required by section 5337(a) of title 5, United States Code, or by § 531.502(b).

§ 531.511 Work performance.

An employee who has not received an official rating of less than satisfactory covering any part of the 2-year period required to be served immediately prior to a demotion is eligible for salary retention.

§ 531.512 Formula for computing retained rate.

(a) The rate of basic pay to which an employee is entitled under § 531.502(a) is determined under section 5337(b) of title 5, United States Code.

(b) Except as provided by paragraph (c) of this section, the rate of basic pay to which an employee is entitled under § 531.502(b) is the nearest rate in the equivalent general schedule grade which is equal to or exceeds his existing rate of basic pay (or his existing rate if that rate is above the maximum rate in the equivalent general schedule grade) including each increase in rate of basic pay provided by statute. For this purpose, equivalent general schedule grade is the lowest grade in the general schedule in which the representative rate is equal to or exceeds the representative rate in the grade, class, or position from which the employee is demoted.

(c) When an employee under § 531.502(b) is demoted the equivalent of three grades or more under the general schedule, his retained rate of basic pay is the lesser of (1) his existing rate of basic pay as determined under paragraph (b) of this section or (2) the sum of—

(i) The minimum rate in the general schedule grade to which he is demoted under each reduction in grade to which this subpart applies (including each increase in rate of basic pay provided by statute); and

(ii) The difference between his rate of basic pay under paragraph (b) of this section (including each increase in rate of basic pay provided by statute) and the minimum rate in the general schedule grade which is three grades lower than the grade from which he was reduced under the first of the reductions in grade (including each increase in the rate of basic pay provided by statute).

§ 531.513 Rate determination.

(a) At the time of an employee's demotion, the agency shall select a rate in the grade to which he is demoted which would have been the employee's rate of basic pay if he were not entitled to a retained rate. When the agency does not select a higher rate under § 531.203(c), it shall determine the rate, subject to the provisions of paragraph (b) of this section, as follows:

(1) When the employee's retained rate is equal to a rate in the grade to which he is demoted, that rate shall be selected.

(2) When the employee's retained rate falls between two rates of the grade to which he is demoted, the lower of the two rates shall be selected.

(3) When the employee's retained rate is above the maximum rate of the grade to which he is demoted, the maximum rate shall be selected.

(b) When the employee's retained rate is a rate established under section 5303 of title 5, United States Code, the agency shall determine what the employee's rate in the grade from which demoted would have been if the rate established by § 5303 had not applied to him and this rate shall be considered to be the employee's retained rate for the purpose of selecting a rate under the provisions of paragraph (a) (1), (2), or (3) of this section.

(c) At the time of the employee's demotion, the agency shall (1) record in the employee's official personnel folder the rate selected in accordance with paragraph (a) of this section, and (2) make all determinations of within-grade increases, in accordance with subpart D of this part, on this rate during the salary retention period and record these determinations in the employee's official personnel folder.

§ 531.514 Retention period-reassignment.

(a) When an employee is reassigned to another position at his current grade level, the reassignment does not terminate his retained rate, except as provided in paragraph (b) of this section.

(b) When an employee is reassigned to another position at his current grade level for personal cause, at his own request, or in a reduction in force due to lack of funds or curtailment of work, the reassignment terminates his retained rate.

(c) An employee receiving a retained rate under section 2 of the act of August 23, 1958, Public Law 85–737, 72 Stat. 830, holds that retained rate without time limitation in accordance with that section. However, if the employee is reassigned, the agency shall terminate his retained rate and adjust his rate of basic pay in a manner comparable to that provided in § 531.516.

(d) When an employee's retained rate is terminated by reassignment, the agency shall furnish him with a notification of the effective date of the termination of the retained rate and of his right to appeal under § 531.517.

§ 531.515 Within-grade increases.

An employee with a retained rate is eligible for within-grade increases only in the grade in which he is serving and on the rate selected under § 531.513.

§ 531.516 Pay adjustment.

When an employee's retained rate is terminated because of the expiration of the salary retention period, the agency shall adjust his rate of basic pay within the grade in which he is serving to the rate previously selected in accordance with § 531.513(a).

§ 531.517 Appeals to the Commission.

(a) *General.*—An employee who is reduced in grade or pay, or reassigned during his salary retention period, may appeal to the Commission from a decision of the agency that (1) he is not entitled to salary retention, or (2) will terminate or adversely affect the salary retention he is currently receiving. This right of appeal does not in any way restrict an employee's entitlement to appeal to the Commission under another part of this chapter or under statute.

(b) *Agency notification to employee.*—When an employee is reduced in grade or pay, or reassigned during a salary retention period, the agency shall inform him in writing whether or not he is entitled to salary retention, or the salary retention he is currently receiving will be terminated or adversely affected. When an agency decided that (1) an employee is not entitled to salary retention, or (2) the salary retention an employee is currently receiving will be terminated, the agency shall inform him in writing of his right of appeal to the Commission under this section.

(c) *Time limit.* (1) *General.*—Except as provided in paragraph (c) (2), of this section, an employee may submit an appeal to the Commission at any time after his receipt of a decision to deny or terminate salary retention but not later than 15 calendar days after his demotion or reassignment has been effected.

(2) *Exceptions.*—When an employee appeals a decision to deny or terminate salary retention to the agency under established procedures, other than those based on subpart B of part 771 of this chapter, the time limit on an appeal to the Commission is not later than 15 calendar days after receipt of the notice of final decision on the appeal to the agency. The Commission may extend the time limits in this paragraph when the employee shows that he was not informed of his right of appeal or of the applicable time limit and was not otherwise aware of that right or that time limit, or that he was prevented by circumstances beyond his control from appealing within the time limit.

(d) *How submitted.*—The appeal shall be in writing and shall set forth the employee's reasons why he considers the agency's decision erroneous, with such offer of proof and evidence as he is able to submit.

(e) *Agency action when Commission recommends corrective action.*—(1) It is mandatory that the agency take all corrective action recommended in the Commission's initial decision on an appeal unless it makes a timely appeal to the Board of Appeals and Review.

(2) The decision of the Board is final and compliance with its recommendation for corrective action is mandatory.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-11020 Filed 6-1-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[AL-17(400); FHA Ins. 400.2]

PART 1816—CIVIL RIGHTS COMPLIANCE REVIEWS

PART 1890—NONDISCRIMINATION BY RECIPIENTS OF FINANCIAL ASSISTANCE

Miscellaneous Amendment

On pages 3516 and 3517 of the FEDERAL REGISTER of February 7, 1973, there was published a notice of proposed rulemaking to issue amended regulations governing civil rights compliance reviews. The notice also proposed the transferring and redesignating of part 1890, "Nondiscrimination by Recipients of Financial Assistance," (35 FR 13972, September 3, 1970), transferring it to subchapter A, and redesignating it as part 1816, thereby vacating part 1890.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations. Only one comment was received. It expresses concern that the proposed new part 1816 contained only a fraction of the regulations in the vacated part 1890. However, this comment was based strictly on a comparison of the existing part 1890 with the proposed new part 1816. The former is more comprehensive; the latter relates only to compliance reviews. The protections contained in part 1890 and not included in new part 1816 are contained in part 15—Nondiscrimination—of title 7, and in existing Farmers Home Administration procedures, and will in no way diminish existing coverage; therefore, the amendment as so proposed is hereby adopted without change and is set forth below.

Effective date.—This part shall be effective on June 4, 1973.

Dated May 8, 1973.

FRANK B. ELLIOTT,
Acting Administrator,
Farmers Home Administration.

PART 1816—CIVIL RIGHTS COMPLIANCE REVIEWS

Sec.
1816.1 General.
1816.2 Borrowers subject to compliance reviews.
1816.3 Duration of obligation for conducting reviews.
1816.4 Compliance reviews on loans to individuals.
1816.5 Compliance reviews on associations receiving loans or development grants.
1816.6 Timing of reviews.
1816.7 State Office summary reports.
1816.8 Discrimination complaints.

AUTHORITY: Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442, sec 602, 78 Stat 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; Orders of Acting Secretary of Agriculture, 36 FR 21529; 37 FR 22008; Orders of Assistant Secretary of Agriculture, for Rural Development and Conservation, 36 FR 21529; Order of Director, OEO, 29 FR 14764.

§ 1816.1 General.

Title VI of the Civil Rights Act of 1964 provides that no person shall on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Civil rights compliance reviews are designed to determine whether FHA borrowers subject to title VI are complying with its nondiscrimination provisions in their operations.

§ 1816.2 Borrowers subject to compliance reviews.

Civil rights compliance reviews will be conducted on recipients of the following type loans and/or grants who received their loans or advances of funds on or after January 3, 1965:

(a) Loans for water and waste disposal facilities, including resource conservation and development (RCD) loans for this purpose.

(b) Farm ownership (FO) loans to install or improve recreational facilities or other nonfarm enterprises.

(c) Operating loans to install or improve recreational facilities or other nonfarm enterprises.

(d) Rural renewal (RN) loans and advances.

(e) Watershed (WS) loans and advances.

(f) Economic opportunity (EO) loans to incorporated cooperative associations. (Compliance reviews on unincorporated EO cooperatives subject to title VI will be conducted only as the need arises or as directed by either the FHA State Director or the FHA Administrator.)

(g) Recreation association loans including those made from RCD funds.

(h) Loans to timber development organizations.

(i) Development grants for water and waste disposal.

(j) Rural rental housing (RRH) (formerly senior citizens rental) and rural cooperative housing (RCH) loans.

(k) Grazing association loans, including RCD loans for this purpose.

(l) Labor housing (LH) loans and/or grants.

(m) EO loans to individuals for nonagricultural enterprises.

(n) Individual recreation loans (RL).

(o) Rural housing site (RHS) loans.

(p) Technical assistance grants.

§ 1816.3 Duration of obligation for conducting reviews.

Compliance reviews will be conducted on the recipients listed in § 1816.2 until:

(a) The loan is paid in full or otherwise satisfied, or

(b) In the case of technical assistance and/or planning grants where no FHA loan funds are involved until the last advance of funds has been made.

(c) In the case of development grants for water and waste disposal, where no loan is involved, for the period during which the real property or structures are used for a purpose for which the grant is extended or for another purpose

involving the provisions of similar services or benefits.

§ 1816.4 Compliance reviews on loans to individuals.

(a) *Compliance review officer.* The county supervisor will conduct compliance reviews of loans made to individuals.

(b) *Type of review.* (1) If the borrower is currently receiving loan supervision, the county supervisor may complete the compliance review based on his knowledge of the borrower's operations from other visits. Otherwise, the supervisor must visit the borrower's facilities to complete the compliance review.

(2) Before completing the compliance review, the county supervisor should be aware of:

(i) The borrower's operating regulations, for example, the grounds for eviction from a rural rental housing project;

(ii) The borrower's method of advertising his facility to the public, if there is any advertising, including how well these methods reach the minority community;

(iii) Any records of request for use of the borrower's facility.

(3) The county supervisor's determination that the borrower is or is not in compliance with title VI together with information such as that outlined in subparagraph (2) of this paragraph will be recorded in the running record.

(4) If the borrower is in compliance, the county supervisor should report his finding to the State Director.

(5) If the borrower is not in compliance, his name, location, type of loan involved, and the reasons for the finding of noncompliance should be sent to the State Director.

(6) The State Director will see that all compliance review reports are complete. If the recipient was found in noncompliance, the State Director will immediately send a copy of the compliance review report to the National Office, Attention: Equal Opportunity Officer, with the action he proposes to take to bring the recipient into compliance.

§ 1816.5 Compliance reviews on associations receiving loans or development grants.

(a) The State Director will designate the compliance review officer for recipient associations. County supervisors may be designated only if they have received approved compliance review training. Otherwise, the compliance review officer must be a member of the State staff including community program specialists (field).

(1) Compliance reviews may be completed in connection with normal supervision visits to associations and must include an inspection of the FHA-financed facility.

(2) Before making a determination that the recipient is or is not complying with the provisions of Form FHA 400–4, "Nondiscrimination Agreement," the compliance review officer will:

(i) Observe the recipient's records, including records on the present membership by race, the handling of applications for use of the facility, the user rates and membership fees or dues and the facility's operating regulations;

(ii) Determine if the recipient advertises for members or users. If so, observe the effectiveness of the recipient's methods of advertising the availability of the facility to the public, and especially the effectiveness of this advertising in reaching the minority community;

(iii) Interview association officials, members and employees. In reviews of recipients of technical assistance grants, members of the self-help housing groups should be interviewed to determine the way in which they were recruited.

(iv) Interview informed local community leaders, including minority leaders, if any, to determine if the facility is operating without discrimination because of race, color, or national origin.

(3) Compliance reviews on Association, WS, RCD and RN loans involving recreation facilities, will be recorded on Form FHA 400–7, "Compliance Review for Recreational Loans to Associations." A copy of the form will be filed in the borrower's county office loan docket. If the association is found in compliance with title VI, the original of the form will be sent to the State Director. If the association is found in noncompliance, the original of the form plus any additional information which led to the finding will be sent to the State Director.

(4) Compliance reviews on loans and grants for water and waste disposal systems, incorporated EO cooperatives, grazing associations, rural rental housing, farm labor housing, and rural housing site will be completed on Form FHA 400–8, "Compliance Review." A copy of the form will be filed in the borrower's loan docket. The original of the form will be sent to the State Director, unless the association is found in noncompliance. Then the original of the form plus any additional information which led to the finding will be sent to the State Director.

(5) Compliance reviews on loans to timber development organizations RCH loans, and technical assistance grants will be recorded in the borrower's "running record." The information obtained during the compliance review as well as the review officer's determination of the borrower's compliance or noncompliance will be recorded in the "running record."

(i) If the borrower is found in compliance, a report will be sent to the State Director.

(ii) If the borrower is not in compliance, the organization's name, location, type of loan received, and all information which led to the finding will be sent to the State Director.

(6) Compliance reviews of public entity borrowers or grantees for water and waste disposal facilities who are operating under the provisions of a mandatory hookup ordinance will consist of a certification by the borrower or grantee that the ordinance is still in effect and is being enforced.

(7) The State Director will see that all compliance review reports are complete. If the recipient was found in noncompliance, the State Director will immediately send a copy of the compliance report to the National Office, Attention: Equal Opportunity Officer, with a report of the action he proposes to take to bring the recipient into compliance.

§ 1816.6 Timing of reviews.

(a) *Reporting year.* The State Director will schedule civil rights compliance reviews on an annual basis from November 1 to October 31 of each year. For example, compliance reviews scheduled during 1973 should be conducted after November 1, 1972, but before October 31, 1973.

(b) *Initial reviews.* (1) Water and waste disposal (WWD) loan and/or grant. The initial compliance review of recipients of WWD loans and/or grants will be conducted as a normal part of the preparation for loan or grant closing.

(2) Technical assistance grant. The initial compliance review of recipients of technical assistance grants will be conducted before the grant is closed.

(3) RHS loan. The initial compliance review of recipients of RHS loans will be conducted before the grant is closed.

(4) WS loans for future water supply. The initial review on loans for future water supply will be made when usage of the stored water begins.

(5) All other loans and/or grants. The initial compliance review of recipients of all other type loans and/or grants listed in § 1816.2 will be conducted within the first reporting year after the loan is closed, or after the Form FHA 400–4, "Nondiscrimination Agreement" is signed.

(c) *Subsequent reviews.* The State Director is responsible for requiring subsequent compliance reviews at intervals not less than 90 days nor more than 3 years after the previous compliance review.

(1) For those associations with loans or development grants which have had at least two compliance reviews subsequent to loan or grant closing, covering a 6-year period, and have shown no indication of discriminatory practices, the frequency of subsequent reviews may be reduced to 6 years.

(2) In those cases where borrowers or grantees have merged to form a new organization, two reviews will be conducted at 3-year intervals after the merger and one every 6 years thereafter, provided no discriminatory practices are noted.

§ 1816.7 State Office summary reports.

The State Director will keep a list of all compliance reviews conducted during the reporting year to enable him to schedule each year's reviews. The State Director will submit a copy of this list to the National Office, Attention: Equal Opportunity Officer, no later than November 30 of each year. Compliance reviews on recipients found in noncompliance should also be listed on the summary report.

§ 1816.8 Discrimination complaints.

Any complaint of discrimination because of race, color, or national origin directed against recipients of FHA assistance should be sent immediately to the National Office, Attention: Equal Opportunity Officer.

PART 1890—[REDESIGNATED]

[FR Doc.73-11093 Filed 6-1-73;8:45 am]

[AL-17(400); FHA Ins. 400.2]

PART 1890—NONDISCRIMINATION BY RECIPIENTS OF FINANCIAL ASSISTANCE

Deletion

Part 1890 of subchapter G, "Miscellaneous Regulations," transferred and redesignated to subchapter A, "General Regulations," as part 1816, "Civil Rights Compliance Reviews," and published in the proposed rulemaking section at 38 FR 3615, supplemented subpart A of part 1821; subparts C, D, E, F, G, and I of part 1822; subparts A, B, C, D, E, F, and H of part 1823; and subpart A of part 1831 of this chapter. All references to part 1890 supplementing the various parts and subparts of this chapter listed above are hereby deleted, effective on June 4, 1973.

Dated May 8, 1973.

FRANK B. ELLIOTT,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-11088 Filed 6-1-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-SW-14, Amdt. 39-1650]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A and 206B Helicopters

A proposal to amend part 39 of the "Federal Aviation Regulations" to include an airworthiness directive requiring a periodic inspection of the vertical fin, P/N 206-020-113-5, -7, and -9, for cracks and repair as necessary on Bell model 206A and 206B helicopters was published in 38 FR 9441.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31FR 13697), § 39.13 of part 39 of the "Federal Aviation Regulations" is amended by adding the following new airworthiness directive:

BELL.—Applies to model 206A and 206B helicopters, serial Nos. 4 through 865 and 867 through 873, certificated in all categories, equipped with vertical fin, P/N 206-020-113-5, -7, and -9.—

Compliance required within the next 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 25 hours' time in service from the last inspection.

To detect possible fatigue cracks in the skin of the vertical fin in the area of the tail boom attachment, accomplish the following:

(a) Remove all tail fairing assemblies to gain access to the inboard side of the vertical fin assembly

(b) Visually inspect the inboard skin of of the vertical fin in the area of attachment for any cracks, paying particular attention to the area aft of the upper rear attachment insert.

(c) If any crack is found greater than 3.5 inch in length, remove and replace the fin before further flight.

(d) If any crack is found less than 3.5 in in length, remove and place or repair the fin in accordance with part II of Bell Helicopter Co. Service Letter No. 206-203, revision C, dated March 14, 1973, or later FAA approved revision, before further flight.

(e) If no cracks are found, continue the repetitive inspections specified above.

(f) This AD is no longer appplicable when the fin is modified in accordance with part I or II of Bell Helicopter Co. service letter No. 206-203, revision C, dated March 14, 1973, or later FAA approved revision.

(Bell Helicopter Co. service bulletin No. 206-01-73-1, dated January 9, 1973, pertains to this subject)

This amendment becomes effective July 1, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the service manager, Bell Helicopter Co., P.O. Box 482, Fort Worth, Tex. 76101. These documents may also be examined at the office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Tex., and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the southwest regional office in Fort Worth, Tex.

NOTE.—The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

Issued in Fort Worth, Tex. on May 22, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-11011 Filed 6-1-73;8:45 am]

[Airspace Docket No. 73-CE-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone; Correction

In FR Doc. 73-8184 appearing on page 10440 of the issue for Friday, April 27, 1973, the Chadron Municipal Airport longitude coordinate recited in the Chadron, Nebr., control zone alteration as "longitude 03°05'50" W." is changed to read "longitude 103°05'50" W.".

Issued in Kansas City, Mo., on May 17, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-11012 Filed 6-1-73;8:45 am]

[Airspace Docket No. 73-NE-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 9240 of the FEDERAL REGISTER dated April 12, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would alter the Houlton, Maine, 700-foot transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., July 19, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Burlington, Mass., on May 21, 1973.

W. E. CROSBY,
Deputy Director,
New England Region.

1. Amend § 71.181 of the "Federal Aviation Regulations" so as to amend the description of the Houlton, Maine, transition area by deleting the words "7-mile radius" and inserting the words "13-mile radius" in lieu thereof.

[FR Doc.73-11015 Filed 6-1-73;8:45 am]

[Airspace Docket No. 73-NE-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 9241 of the FEDERAL REGISTER dated April 12, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would alter the Waterville, Maine, 700-foot transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 g.m.t., July 19, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Burlington, Mass., on May 21, 1973.

W. E. CROSBY,
Deputy Director,
New England Region.

1. Amend § 71.181 of the "Federal Aviation Regulations" so as to delete the description of the Waterville, Maine, 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within 11.5-mile radius of the center (44°32'10" N., 69°40'30" W.) of Waterville Robert La Fleur Airport, Waterville, Maine, excluding the portion that coincides with the Augusta, Maine, 700-foot transition area.

[FR Doc.73-11014 Filed 6-1-73;8:45 am]

[Airspace Docket No. 73-RM-13]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On April 16, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 9442), stating that the Federal Aviation Administration was considering an amendment to part 71 of the "Federal Aviation Regulations" that would utilize the NOTAM to publish the frequent changes anticipated in the effective times of the control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date.—This amendment shall be effective 0901 G.m.t., July 19, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Aurora, Colo., on May 15, 1973.

M. M. MARTIN,
Director, Rocky Mountain Region.

In § 71.171 (38 FR 351), the description of Glasgow AFB, Mont., control zone is amended as follows:

After the last sentence of the control zone description add * * * "This control zone shall be effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the 'Airmen's Information Manual'."

[FR Doc.73-11016 Filed 6-1-73;8:45 am]

[Airspace Docket No. 73-SW-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to part 71 of the "Federal Aviation Regulations" is to alter the Uvalde, Tex., transition area.

On April 10, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 9093), stating the Federal Aviation Administration proposed to alter the Uvalde, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, part 71 of the "Federal Aviation Regulations" is amended, effective 0901 G.m.t., August 16, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Uvalde, Tex., transition area is amended to read:

UVALDE, TEX.

That airspace extending upward from 700 ft above the surface within a 5-mi radius of Garner Field (latitude 29°12'54" N., longitude 99°44'30" W.), and within 2.5 mi each side of the 154° bearing from the Uvalde RBN (latitude 29°13'06" N., longitude 99°44'29" W.), extending from the 5-mile-radius area to 8.5 mi southeast of the RBN.

The notice of proposed rulemaking published in the FEDERAL REGISTER April 10, 1973, erroneously cited 3.5 mi each side of the 154° bearing to accommodate the amended NDB Runway 33 standard instrument approach. This final rule makes the necessary 2.5 mi each side of the 154° bearing correction.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Fort Worth, Tex., on May 23, 1973.

R. V. REYNOLDS,
Acting Director,
Southwest Region.

[FR Doc.73-11013 Filed 6-1-73;8:45 am]

[Docket No. 9471, Amdt. 71-8; 91-116]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 91—GENERAL OPERATING AND FLIGHT RULES

ATC Transponder and Automatic Pressure Altitude Reporting Equipment Requirements

The purpose of these amendments to parts 71 and 91 of the "Federal Aviation Regulations" is to require aircraft operating in certain designated controlled airspace to be equipped with ATC (air traffic control) transponder and associated automatic pressure altitude reporting equipment, and to make related conforming amendments.

These amendments are based upon notice 69-9, published in the FEDERAL REGISTER on March 14, 1969 (34 FR 5259), supplemental notice 72-12, published in the FEDERAL REGISTER on April 15, 1972 (37 FR 7527) and supplemental notice 72-12A, published in the FEDERAL REGISTER on June 24, 1972 (37 FR 12508). These notices, in turn, were based on advance notice of proposed rulemaking 65-9, published in the FEDERAL REGISTER on April 29, 1965, which included long-term proposals concerning the possible use of improved ATC transponders in the national airspace system. In addition, these amendments include conforming amendments based on the above notices and on notice 71-10 published in the FEDERAL REGISTER on March 30, 1971. Interested persons have been afforded an opportunity to comment on the amendments contained herein, and all relevant matter submitted has been considered in the issuance of these amendments.

I. *Background of these amendments.*—Notice 69-9, issued March 3, 1969, proposed to require that all aircraft operating in certain designated controlled airspace be equipped with an improved radar beacon transponder having a mode 3/A 4096 code capability, and having a mode C automatic altitude reporting capability (e.g., automatic pressure altitude reporting equipment). The objective of the proposal was to improve air traffic control system effectiveness through additional IFR beacon tracking and automatic altitude reporting capability. The proposal was also designed to reduce the midair collision potential by requiring certain VFR flights operating in selected airspace to respond automatically to interrogations by transmitting position and altitude. Specifically, notice 69-9 proposed that a 4096 code mode 3/A transponder and mode C automatic altitude reporting capability be required, effective January 1, 1973, of both VFR and IFR aircraft in controlled airspace at or above 10,000 feet m.s.l. (mean sea level) in the 48 contiguous States; in positive control airspace; and in specified terminal airspace.

Most comments received in response to notice 69-9 were unfavorable (approximately 80 percent), and stated that the proposed rule would impose excessive equipment requirements or airspace restrictions on certain classes of users. In general, the favorable comments received in response to notice 69-9 were based upon an anticipated increase in safety and in airspace utilization. The concern on the part of many users, along with development subsequent to the issuance of that notice, caused the FAA to review the scope of the proposed amendments. After weighing the original objectives along with the comments received in response to notice 69-9, the FAA concluded that its original proposal might be more restrictive than necessary and determined that further opportunity should be afforded to interested persons to submit comments on a modified, less restrictive concept of improved transponder employment.

Consequently, supplemental notice 72-12 was issued on April 11, 1972, containing certain new proposals pertaining to the airspace and conditions in which the improved transponder would be required. The supplemental notice differed from notice 69-9 in that it proposed to require the improved transponder in positive control areas and controlled airspace above 12,500 feet m.s.l. for en route operations, excluding airspace less than 1,500 feet a.g.l. (above ground level). The proposed use of the improved transponder in terminal airspace was also relaxed under the supplemental notice, since, while all aircraft, including helicopters, would be required to have the improved transponder for operations in

both group I and II TCA's, pilots operating VFR and not desiring separation service would not need to communicate with ATC in the group II TCA's. In 42 other ARTS III equipped "terminal areas," any aircraft being provided separation service would not, under the supplemental notice, be required to be transponder equipped. Authority for the granting of deviations by ATC was also proposed. The other significant relaxation in the supplemental notice extended the implementation date to January 1, 1974, for terminal airspace and July 1, 1975, for en route airspace.

Paralleling this background was a separate notice of proposed rulemaking (notice 71–10) which proposed to provide new technical standards for airborne ATC transponder equipment and to require that transponders in aircraft meet TSO standards. This notice was published in the FEDERAL REGISTER on March 30, 1971 (36 FR 5853) and was followed by regulations published on December 27, 1972, amending parts 37, 43, 91, 121, 127, and 135 of the "Federal Aviation Regulations." The amendment to part 91 added, among other requirements, a new § 91.24, requiring ATC transponder equipment installed after January 1, 1974, or used after July 1, 1975, to meet the standards in TSO–C74b or any class of TSO–C74c, as appropriate, except that the Administrator may approve the continued use of TSO–C74 or TSO–C74a equipment after July 1, 1975, under certain conditions.

The amendment issued herein pulls these two separate regulatory programs together in § 91.24 and makes conforming changes in part 91 to insure consistency among the several transponder requirements already in that part. Specifically, the regulatory language in current § 91.24 is redesignated as § 91.24(a), and the appropriate cross reference to § 91.24 in § 91.177 is amended accordingly to refer to § 91.24(a) only.

The requirements proposed in notice 72–12 concerning the need for the improved transponder and associated automatic pressure altitude reporting equipment in specified airspace are issued hereunder in new § 91.24(b) so that the relationship between these requirements (and their respective dates of compliance) and the TSO standards and related requirements (and their respective dates of compliance) in § 91.24(a) can be more easily seen and understood by aircraft operators. The ATC deviation authority proposed in notice 72–12 is contained, in shortened form, in new § 91.24(c). In order to prevent apparent conflicts between the other transponder requirements currently in part 91 and the amendments contained in § 91.24, appropriate editorial cross references to § 91.24 are made in §§ 91.90, 91.97, and 91.99. No substantive change is made by these editorial amendments. The "terminal area" concept in notice 72–12 is issued, in slightly relaxed form, under the name "Group III Terminal Control Area" (see discussion below under "Miscellaneous Comments").

II. *Summary of requirements added by this amendment.*—The regulations should be consulted for the details of the new requirements. The following summary is provided only to present an outline of the regulations as changed by this amendment.

This amendment specifies the controlled airspace within which two types of equipment are required. These are (i) a mode 3/A 4096 code transponder, and (ii) automatic pressure altitude reporting equipment. No change is made to the floor or other configuration of any controlled airspace in this amendment. This amendment does not designate new terminal control areas.

After the pertinent compliance dates of these requirements (see discussion under paragraph III below), the new equipment is required in the following airspace under this amendment:

A. All controlled airspace of the 48 contiguous States and the District of Columbia that is above 12,500 feet m.s.l., excluding the airspace at and below 2,500 feet a.g.l. Gliders are excluded from this requirement up to 18,000 feet m.s.l., which is the floor of the positive control area.

B. Terminal control areas regulated under § 91.90. These include terminal airspace in which the current or projected traffic density is great enough to require the new equipment for protection to aircraft and for system efficiency. Helicopters operating at or below 1,000 feet a.g.l. under a letter of agreement are excluded from this requirement in all terminal control areas. Terminal control areas include the following:

1. *Group I terminal control areas.*—Nine of these high activity areas have been designated, including Atlanta, Boston, Chicago, Dallas-Fort Worth, Los Angeles, Miami, New York, San Francisco-Oakland, and Washington National. These are the only terminal control areas, of any classification, now designated.

Operation in these areas requires both the new equipment and ATC authorization prior to entry (in addition to the other requirements in § 91.90(a)).

2. *Group II terminal control areas.*—Twelve locations are being considered for designation as group II terminal control areas. These include Cleveland, Denver, Detroit, Houston, Kansas City, Las Vegas, Minneapolis, New Orleans, Philadelphia, Pittsburgh, Seattle, and St. Louis. These designations would be accomplished by separate rulemaking action with notice and public procedure. As in the case of group I terminal control areas, there is no general exception (other than for helicopters, as mentioned above) to the requirement for the new equipment in group II terminal control areas. Unlike group I terminal control areas, however, an ATC authorization prior to entry is not required for VFR aircraft that do not land or takeoff within the group II terminal control area. This provides needed flexibility for VFR flights that do not wish to communicate with or receive separation service from an ATC facility, and that are transiting the group II terminal control area without landing or taking off. The altitude data provided by all aircraft will assist controllers in vectoring aircraft receiving separation service clear of aircraft that are not receiving separation service.

3. *Group III terminal control areas.*—As stated in notice 72–12, 42 locations are being considered for designation as terminal areas (herein redesignated as group III terminal control areas). These locations include Albany, Albuquerque, Baltimore, Birmingham, Buffalo, Burbank, Charlotte, Cincinnati, Columbus, Dayton, Des Moines, El Paso, Hartford, Honolulu, Indianapolis, Jacksonville, Louisville, Memphis, Milwaukee, Nashville, Norfolk, Oklahoma City, Omaha, Ontario, Orlando, Phoenix, Portland, Providence, Raleigh-Durham, Rochester, Sacramento, Salt Lake City, San Antonio, San Diego, San Juan, Santa Ana/Long Beach, Shreveport, Syracuse, Tampa, Tucson, Washington-Dulles. As in the case of group II terminal control areas, these group III terminal control areas will be designated in separate rulemaking actions with notice and opportunity for public participation. Unlike group I and group II terminal control areas, the new equipment is not required if two-way radio communications are maintained within the terminal control area between the aircraft and the ATC facility, and the pilot provides position, altitude and proposed flight path prior to entry.

III. *Relation to TSO requirements: Chronology of compliance dates.*—Since the requirements in this amendment are closely related to the recently adopted transponder requirements in § 91.24, particularly with respect to compliance dates, a combined summary of the chronological effect of the regulations is furnished. Some repetition of the above discussion exists in order to permit demonstration of the combined effect of the compliance dates in current § 91.24 and those in this amendment. This summary contains only the broad outline of the requirements. The regulations should be consulted for the details of these requirements and for the exceptions and deviation provisions in the regulations. The following requirements come into effect after the following dates:

1. After January 1, 1974, § 91.24(a) prohibits installation of a transponder in an aircraft (not previously so equipped) unless that transponder has been shown to meet specified TSO standards. This applies only to U.S. registered civil aircraft, and thus does not apply to foreign registered aircraft or to public aircraft such as military aircraft of the United States. This installation requirement applies regardless of the airspace to be used by the aircraft. It does not involve automatic pressure altitude reporting equipment. Transponders installed on or before January 1, 1974, in any aircraft, or after that date in aircraft that were previously transponder equipped, may continue to be used, in U.S. registered civil aircraft, without meeting TSO standards, through July 1, 1975.

2. After July 1, 1974, § 91.24(b) requires that aircraft operating in group I terminal control areas be equipped with mode 3/A 4096 code transponders and associated automatic pressure altitude reporting equipment. Unlike § 91.24(a),

discussed above, this applies to all aircraft operators including foreign and public aircraft, and is thus not limited to U.S. registered civil aircraft. July 1, 1974, is, therefore, the first date after which aircraft having transponders that do not have both 4096 codes and compatibility with an encoder (that must also meet § 91.36 under the current regulations) are excluded from operation in group I TCA's (subject to the exceptions and deviation authority in the regulations), regardless of the date of installation of the transponder in the aircraft. Transponders meeting the specified TSO standards will be in compliance with the transponder aspect of this requirement for group I TCA's.

3. After January 1, 1975, § 91.24(b) requires that all aircraft, including foreign aircraft and public aircraft as well as U.S. registered civil aircraft, be equipped with a transponder having mode 3/A 4096 code capability and automatic pressure altitude reporting equipment in order to operate in group II terminal control areas and group III terminal control areas (when they are established, and subject to the exceptions and deviation authority in the regulations). Transponders meeting the TSO standards, discussed above, will meet the transponder aspects of this requirement. Transponders not meeting the TSO standards but still having mode 3/A 4096 code capability (and compatibility with an encoder that must also meet § 91.36) may be used in compliance with this requirement (through July 1, 1975, as discussed below). Regardless of whether the TSO standards are met, the aircraft must, after January 1, 1975, have automatic airborne altitude reporting equipment to operate in group II and group III TCA's (subject to the exceptions and deviation authority in the regulations). This affects all operators. January 1, 1975, is thus the first date after which aircraft having transponders that do not have both 4096 codes and compatibility with an encoder (that must also meet § 91.36) are excluded from operation in group II and group III TCA's (subject to the exceptions and deviation authority in the regulations), regardless of the date of installation of the transponder in the aircraft. Transponders meeting the specified TSO standards will be in compliance with the transponder aspect of this requirement for group II and group III TCA's.

4. After July 1, 1975, two new requirements come into effect. The first is the requirement in § 91.24(a) that any transponder used in any U.S. airspace must have been shown to meet TSO standards regardless of the date of installation of the transponder. After that date, transponders not shown to be in compliance need not be removed from the aircraft but may not be used, in any U.S. airspace, regardless of installation date. This regulation affects U.S. registered civil aircraft only. It does not require automatic pressure altitude reporting equipment. The second requirement effective after July 1, 1975, is the requirement in § 91.24(b) that mode 3/A 4096 code transponders and automatic airborne altitude reporting equipment be used in all controlled airspace of the 48 States and the District of Columbia, above 12,500 ft m.s.l. (and above 2,500 ft a.g.l.). U.S. registered civil aircraft must comply with the transponder aspect of this operating requirement by showing compliance with TSO standards (under § 91.24(a)), while foreign and public aircraft would comply if equipped with any mode 3/A 4096 code transponder having compatibility with an encoder (that must also meet § 91.36).

IV. *General comments concerning costs and benefits of improved transponders and associated automatic pressure altitude reporting equipment.*—Numerous comments of a general nature were received stating that the cost of the proposed rule changes could not be justified by the benefits therefrom. These general comments stated that requiring improved transponders and associated automatic pressure altitude reporting equipment in the specified airspace goes beyond the point of diminishing returns, is not justified by near midair collision statistics, conflicts unnecessarily with the FAA's statutory duty to encourage the development of aviation, and will be unnecessarily damaging to the less sophisticated segments of general aviation that now use positive control airspace, all without a corresponding significant benefit to air traffic control system safety or efficiency. While certain of these comments conceded that automatic altitude reporting had some value in heavily used airspace around airports, nearly all of these comments stated that the traffic volume in en route airspace, particularly in the western part of the United States, is far less than that needed to justify the required use of such equipment by all users of that airspace.

In response to these general comments, it is noted that significant relaxations have been made in these amendments when compared with those proposed in supplemental notice 72–12. After considerable study, the FAA believes that the air traffic control safety and efficiency benefits from these amendments, as changed from the notice, outweigh the costs on affected users, that these benefits will become far greater if projected air traffic growth rates are reasonably accurate, while at the same time the costs of compliance will decrease as manufacturers respond to the need for the new equipment. It is also probable that the overall costs paid by all airspace users for further delay in setting in motion the regulatory basis for altitude reporting capability will exceed the costs of acting now to anticipate, rather than react to, the results of increasing traffic demands. In short, it is believed that the compliance times specified herein are reasonable, and that nearly all persons who opposed the scope and timing of the regulations proposed in notice 72–12 would be even less satisfied with solutions made necessary by further delay in implementing the amendments issued herein.

V. *Specific requests for relaxation of notice 72–12.*—Several requests for relaxation of notice 72–12 were received. These included the following specific arguments:

1. The compliance times are too restrictive and should be relaxed. The FAA agrees in part and has set back the compliance date for group I terminal control areas from January 1, 1974, to July 1, 1974, has delayed the compliance date for group II terminal control areas from January 1, 1974, to January 1, 1975, and has also extended the time for compliance in terminal areas (relabeled hereunder as group III terminal control areas as further discussed below) from January 1, 1974, to January 1, 1975. However, the FAA does not believe that such extension is needed with respect to the date for other controlled airspace. The date for such airspace remains as proposed (July 1, 1975). In establishing the compliance dates in this amendment, the FAA has had extensive consultation, not only with aircraft operators but also with manufacturers and suppliers of the required new equipment. Industry ability to meet the demand for equipment required by this amendment, within the compliance periods, was fully considered in addition to an analysis of the numbers of aircraft in the civil fleet that would be likely to be affected, in the different specified airspace, on the respective compliance dates.

2. The benefits of an automated air traffic control system should lead to fewer restrictions, not more. Specifically, it is argued that the benefits otherwise derived from NAS en route stage A and the automated radar terminal systems should allow controllers to handle increased traffic without the need for automatic altitude reporting transponders. It is correct that the benefits of improvements in ground based equipment should help to retard the rate at which increasing restrictions are placed on aircraft not having the improved transponder and associated automatic pressure altitude reporting equipment. However, automated ground equipment is not viewed as a substitute for automatic airborne equipment in the airspace covered by this amendment, in view of the current and projected air traffic control workload in such airspace. Because of this traffic density, and as stated in notices 69–9 and 72–12, the implementation of an automatic pressure altitude reporting requirement provides the following benefits to the ATC system: Improved ATC system safety by automatically displaying the altitude of all aircraft operating in selected airspace; reduced midair collision potential through eliminating previously unknown integral data; reduced volume of communication by eliminating the need for oral altitude reports; improved utilization of airspace through continuous altitude data on climbing and descending aircraft; increased effectiveness through greater controller selectivity in viewing targets; and reduced number of traffic advisories or avoidance vectors during the provision of radar service.

3. The requirement for 12 hours' advance notice for operation without an improved transponder and automatic altitude reporting equipment is an unnecessary burden, particularly in view of the benefits to the system safety and efficiency from improvements in ground

equipment aided by the use of automatic altitude reporting by other aircraft. The FAA has reconsidered this aspect of the proposed regulations and agrees that the advanced notice provision can be reduced to 4 hours. This will benefit pilots since proposed arrival and departure times can be estimated more accurately, and will permit ATC to make a more realistic assessment of the traffic expected at the proposed time of operation. Weather, staffing, and related factors are more predictable 4 hours in advance than they would be if a 12-hour advance notice period were required. The FAA does not believe that the requirement for some advance notice should be eliminated. Without advance notice, controllers would be required to approve or deny entrance to specified airspace on a moment's notice. It is believed that this would lead to excessive communication and additional workload to the detriment of ATC services available to transponder equipped aircraft. The FAA points out that the 4-hour provision is significantly less restrictive than the 4-day advance notice required under § 91.97(b) for operation in a positive control area by nonconforming aircraft and that, for the first time, a deviation authority is provided for terminal control areas. It should be noted, however, that the deviation authority in § 91.24(c) applies only to the provisions of § 91.24(b) concerning the need for mode 3/A 4096 code transponders and associated automatic pressure altitude reporting equipment in the specified airspace. The deviation authority does not apply to the prohibition in § 91.24(a) against the use of transponders that do not meet TSO standards, in any airspace, and does not apply to the installation of nonconforming transponders. Thus, while ATC may permit an aircraft with a malfunctioning transponder or with no transponder to operate in the specified airspace, ATC may not permit the use in that airspace (or in any other airspace) of a transponder in a U.S. registered civil aircraft that has not been shown to meet TSO standards as prescribed in § 91.24(a) after the dates specified in that paragraph.

4. En route airspace does not require automatic pressure altitude reporting equipment for all aircraft because (a) altitude changes are less frequent than in terminal airspace, and (b) en route communications are less congested than terminal airspace, so that there is sufficient time for verbal altitude reporting. Leaving aside the question of which precise threshold altitude to select (see discussion below), the FAA does not agree with the comment with respect to en route airspace at altitudes used by high performance aircraft. This is due to the combined effect of three factors: The high closure rates now possible at these en route altitudes, the projected increases of traffic at these altitudes, and the resulting decreased acceptability of reliance on verbal altitude reporting as the only source of altitude information at these altitudes.

5. The proposed en route altitude floor for automatic pressure altitude reporting equipment (12,500 ft m.s.l. and 1,500 ft a.g.l.) should be raised. The comments included specific recommendations as to altitude floor, and included the request that the requirement be restricted to air carrier aircraft. The comments also stressed the restrictive effect of the proposed altitude on operations in mountainous areas. The FAA believes that the proposed floor is justified by the traffic separation problems of high performance en route traffic and should not be raised. However, the particular difficulty posed on mountain routes is recognized. This amendment accordingly raises the 1,500-ft a.g.l. floor to 2,500 ft a.g.l. In a related comment, it was suggested that the words "at or above" 12,500 ft be changed to "above" 12,500 ft so as to free the 12,500-ft westbound VFR cruising altitude from the transponder requirement and make the transponder requirement consistent with the oxygen requirement in § 91.32 (a) (1). The FAA agrees with this comment and has incorporated this change in § 91.24 (b) and (b) (4).

6. This amendment, like the current regulation (§ 91.90), should not apply, within terminal control areas, to IFR flights operating to or from a secondary airport in the TCA, or to IFR flights operating to or from an airport outside, but close to, the TCA when the commonly used procedures for that airport require flight in the TCA. The FAA does not believe that the current and projected air traffic control problems in terminal control areas justify continuing these two blanket exceptions. However, where air traffic control can be safely and efficiently exercised without automatic pressure altitude reporting equipment, or without a transponder, deviations may be issued on an individual or continuing basis. The FAA believes that this provides the most flexible and equitable means of balancing the continuing need for aircraft utility at minimum expense to airspace users against the need for assuring continued air traffic control safety and efficiency under increasing ATC workloads.

7. The requirement for an ATC authorization prior to entry into a group I or group II terminal control area makes automatic altitude reporting unnecessary. The FAA disagrees with this comment as applied to group I and group II terminal control areas. While obtaining a prior authorization involves communication that may advise ATC of an aircraft's altitude when it enters the TCA, it does not continuously advise ATC of the altitude of aircraft within the TCA. For this latter purpose, verbal altitude reporting is not considered acceptable as the sole means of conveying altitude information in group I and group II TCA's.

8. The en route requirement for a transponder between 12,500 feet m.s.l. and the floor of the positive control area would virtually eliminate certain glider operations vital to the science, sport, and art of soaring, and would drastically limit the altitude available for safe motorless flight over hostile terrain. Further, it is argued that the extremely variable nature of the meteorological conditions needed to support en route soaring operations makes it highly impracticable to require the advance granting of a deviation. The FAA agrees with these comments, and has also determined that glider operation, at the affected en route altitudes, is still infrequent enough not to present a significant collision hazard. On balance, it is believed that gliders operating between 12,500 feet m.s.l. and 18,000 feet m.s.l. (the floor of the positive control area) may safely be excepted from these amendments. However, gliders, like other aircraft, are still subject to the requirements to obtain a deviation under § 91.97(b) for operation without a transponder in the positive control area.

9. The en route operation of balloons should be excepted from this amendment. The FAA disagrees. Considering the fact that balloons, unlike gliders, have positive and predictable altitude control, and can, therefore, plan in advance the altitude of their en route operations, and considering the fact that balloons, while highly visible themselves, cannot take rapid action to avoid other aircraft in conditions of limited visibility, the FAA believes that it is reasonable not to except balloons as a class but rather to treat each case under the deviation provisions of § 91.24(c). This comment is, therefore, not accepted.

10. The current exception for helicopters should be retained. The FAA agrees to the extent that helicopters are excepted from these amendments when operating below 1,000 feet a.g.l. in terminal control areas under a letter of agreement.

VI. *Comments concerning the safety of the proposed regulations.*—Public comments were received concerning the safety implications of the proposals in supplemental notice 72–12. These included the following:

1. The provisions of the notice 72–12 significantly reduced the potential safety enhancement in the more restrictive proposals in notice 69–9 and the terms of that earlier notice should be the goal to be achieved. The FAA believes that the amendments contained herein are fully sufficient to meet current safety requirements and that further restrictions are not justified at this time.

2. The proposed regulations will deagrees. This amendment does not elimitions by denying superior airport facilities to general aviation aircraft that are not equipped as required. The FAA disagrees. This amendment does not eliminate the emergency authority in §§ 91.3 and 91.75. Operation under deviations issued pursuant to § 91.24(c) is also provided for.

3. Use of airborne automatic pressure altitude reporting equipment by all aircraft would (i) induce a "false sense of security" in the pilot; (ii) cause unacceptable confusion on radar scopes; and (iii) by adding to pilot workload, reduce his ability to see and avoid other aircraft.

None of these contentions is correct. The quality of the transponder signals as they affect ground radar scopes is assured by the recent amendment making technical standard order standards apply to this equipment. By freeing the

pilot from verbal altitude reporting where possible, this amendment will, in fact, increase his ability to see and avoid other traffic. At the same time, the pilot will have the benefit of traffic advisories that have been screened for altitude. This will elminate many unnecessary advisories.

VII. *Comments suggesting alternatives.*—Public comments were received concerning alternatives to the proposed regulations. These included the following:

1. Rather than require an altitude reporting transponder, FAA should encourage VFR pilots to request radar advisories and require controllers to honor the request. This comment indicates a fundamental misconception of the reason for this amendment. Automatic pressure altitude reporting equipment is not a substitute for ATC functions such as the issuing of traffic advisories. The value of continuous automatic pressure altitude reporting lies in its ability to make ATC services and functions more effective to the pilot.

2. Terminal air traffic should be regulated by ingress and egress corridors, required reporting points, and other means before "jumping to sophisicated equipment for all airspace users." The FAA believes that the ingress and egress corridors, even if adopted, would not respond to the need that resulted in this amendment. This is the need for continuous, accurate, current altitude information under dense traffic conditions. This workload is just as likely to occur in the case of traffic in densely traveled corridors as well as in the case of traffic elsewhere in terminal airspace. Corridors are an appropriate consideration in the configuring of airspace for overall traffic flow purposes, but they do not solve the problem of air traffic management addressed by this amendment.

3. The FAA should wait until the aviation industry, on its own, develops reasonably priced transponders and automatic pressure altitude reporting equipment. The FAA believes that the aviation industry has the capability of responding within the deadlines prescribed, and that the effect of delayed rulemaking will be indefinite, and in the long run more costly, delay in anticipating and meeting the demands of projected air traffic growth.

4. There should not be a mandatory requirement for automatic pressure altitude reporting equipment "before the system can demonstrate its ability to perform well without it." This comment implies a policy of risking deterioration in the system before requiring the improved equipment. Such a policy is not an acceptable approach to anticipating and preventing impediments to the continued improvement of the air traffic control system that is needed to meet the demands of increasing numbers of users of the airspace.

VIII. *Miscellaneous comments.*—The following comments were received on issues not treated above:

1. The name "terminal area" as proposed in notice 72-12 is confusing, needs clarification, is not clearly distinct from the concept of a TCA, and is hard to distinguish from the airport traffic area concept. The FAA agrees with these comments and believes that there is no significant benefit to the introduction of still another regulatory term (in addition to airport traffic area, control zone, and terminal control area) to describe the air space around an airport. For this reason, the term "group III terminal control area" is adopted, in place of "terminal area." No increased regulatory burden results from this name change. To insure that there is no inadvertent increased burden from this name change, the designation terminology of "terminal control area" in § 71.12 is amended to make it clear that equipment rules alone (that is, without operating rules and piloting rules) may be issued in terminal control areas. That section is also editorially changed to include group III terminal control areas. Further insuring that no regulatory requirement is added as a result of this name change is the fact that this amendment permits aircraft not equipped with improved transponder equipment to operate in these areas if two-way radio communications are maintained in the TCA and the pilot provides position, altitude, and proposed flight path prior to entering the TCA.

2. The FAA should note that no TSO is proposed for the altitude encoder itself. The FAA appreciates this comment and believes there may be a need for additional rulemaking to further control the quality of automatic pressure altitude reporting equipment used in compliance with this amendment. However, it should be noted that the requirements of § 91.36 covering data correspondence between automatically reported pressure altitude data and the pilot's altitude reference continue to apply.

(Secs. 307, 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354, 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

In consideration of the foregoing, parts 71 and 91 of the "Federal Aviation Regulations" are amended, effective July 20, 1973, as follows:

1. Section 71.12 of part 71 of the "Federal Aviation Regulations" is amended to read as follows:

§ 71.12 Terminal control areas.

The terminal control areas listed in subpart K of this part consist of controlled airspace extending upward from the surface or higher to specified altitudes, within which all aircraft are subject to operating rules, pilot rules, or equipment rules specified in part 91 of this chapter. Each such location is designated as a group I, group II, or group III terminal control area, and includes at least one primary airport around which the terminal control area is located.

2. Section 91.24 is amended to read as follows:

§ 91.24 ATC transponder equipment.

(a) *All airspace: U.S. registered civil aircraft.*—For operations not conducted under parts 121, 123, 127, or 135 of this chapter, ATC transponder equipment installed after January 1, 1974, in U.S. registered civil aircraft not previously equipped with an ATC transponder, and all ATC transponder equipment used in U.S. registered civil aircraft after July 1, 1975, must meet the performance and environmental requirements of any class of TSO-C74b or any class of TSO-C74c as appropriate, except that the Administrator may approve the use of TSO-C74 or TSO-C74a equipment after July 1, 1975, if the applicant submits data showing that such equipment meets the minimum performance standards of the appropriate class of TSO-C74c and environmental conditions of the TSO under which it was manufactured.

(b) *Controlled airspace: all aircraft.*—Except for persons operating helicopters in terminal control areas at or below 1,000 feet AGL under the terms of a letter of agreement, and except for persons operating gliders above 12,500 feet m.s.l. but below the floor of the positive control area, no person may operate an aircraft in controlled airspace, after the applicable dates prescribed in paragraphs (b)(1) through (b)(4) of this section, unless that aircraft is equipped with an operable coded radar beacon transponder having a mode 3/A 4096 code capability, replying to mode 3/A interrogation with the code specified by ATC, and is equipped with automatic pressure altitude reporting equipment having a mode C capability that automatically replies to mode C interrogations by transmitting pressure altitude information in 100-foot increments. This requirement applies—

(1) After July 1, 1974, in group I terminal control areas governed by § 91.90(a);

(2) After January 1, 1975, in group II terminal control areas governed by § 91.90(b);

(3) After January 1, 1975, in group III terminal control areas governed by § 91.90(c), except as provided therein; and

(4) After July 1, 1975, in all controlled airspace of the 48 contiguous States and the District of Columbia, above 12,500 feet m.s.l., excluding the airspace at and below 2,500 feet a.g.l.

(c) *ATC authorized deviations.*—ATC may authorize deviations from paragraph (b) of this section—

(1) Immediately, to allow an aircraft with an inoperative transponder to continue to the airport of ultimate destination, including any intermediate stops, or to proceed to a place where suitable repairs can be made, or both; and

(2) On a continuing basis, or for individual flights, for operations not involving an inoperative transponder, in which cases the request for a deviation must be submitted to the ATC facility having jurisdiction over the airspace concerned at least 4 hours before the proposed operation.

3. Section 91.90 is amended by amending the section heading, §§ 91.90(a)(3)(iii), 91.90(b)(1)(i), and 91.90(b)(2)(iii), and adding a new § 91.90(c), all to read as follows:

§ 91.90 Terminal control areas.

(a) *Group I terminal control areas.* * * *

(3) *Equipment requirements.* * * *

(iii) On and before the applicable dates specified in paragraphs (a) and (b) (1) of § 91.24, an operable coded radar beacon transponder having at least a mode 3/A 64-code capability, replying to mode 3/A interrogation with the code specified by ATC. On and before those dates, this requirement is not applicable to helicopters operating within the terminal control area, or to IFR flights operating to or from a secondary airport located within the terminal control area, or to IFR flights operating to or from an airport outside of the terminal control area but which is in close proximity to the terminal control area, when the commonly used transition, approach, or departure procedures to such airport require flight within the terminal control area. After the applicable dates specified in paragraphs (a) and (b) (1) of § 91.24, the applicable provisions of that section shall be complied with, notwithstanding the exceptions in this section.

(b) *Group II terminal control areas.*— (1) *Operating rules.* * * *

(i) No person may operate an aircraft within a group II terminal control area unless he has received an appropriate authorization from ATC prior to operation of that aircraft in that area, except that, after the applicable dates in § 91.24(b) (2), authorization is not required if the aircraft is VFR, is equipped as required by § 91.24(b), and does not land or take off within the terminal control area.

* * * * *

(2) *Equipment requirements.* * * *

(iii) On and before the applicable dates specified in paragraphs (a) and (b) (2) of § 91.24, an operable coded radar beacon transponder having at least a mode 3/A 64-code capability, replying to mode 3/A interrogation with the code specified by ATC. On and before those dates, this requirement is not applicable to helicopters operating within the terminal control area, or to VFR aircraft operating within the terminal control area, or to IFR flights operating to or from an airport outside of the terminal control area, when the commonly used transition, approach, or departure procedures to such airport require flight within the terminal control area. After the applicable dates in paragraphs (a) and (b) (2) of § 91.24, that section shall be complied with, notwithstanding the exceptions in this section.

(c) *Group III terminal control areas.*— After the date specified in § 91.24(b) (3), no person may operate an aircraft within a group III terminal control area designated in part 71 unless the applicable provisions of § 91.24(b) are complied with, except that such compliance is not required if two-way radio communications are maintained, within the TCA, between the aircraft and the ATC facility, and the pilot provides position, altitude, and proposed flight path prior to entry.

4. Section 91.97(a) (4) (i) is amended to read as follows:

§ 91.97 Positive control areas and route segments.

(a) * * *

(4) * * *

(i) A coded radar beacon transponder, having at least a mode A (Military Mode 3) 64-code capability, replying to mode 3/A interrogation with the code specified by ATC, except that, after the applicable dates specified in paragraphs (a) and (b) (3) of § 91.24, the applicable provisions of that section shall be complied with.

5. Section 91.99(a) (2) (i) is amended to read as follows:

§ 91.99 Jet advisory areas.

(a) * * *

(2) * * *

(i) That aircraft is equipped with a functioning coded radar beacon transponder having a mode A (Military Mode 3) 64-code capability, that transponder is operated to reply to mode 3/A interrogation with the code specified by ATC, except that, after the applicable dates specified in § 91.24(a), the applicable provisions of that paragraph shall be complied with;

* * * * *

§ 91.177 [Amended]

6. Section 91.177(a) is amended by changing the cross-reference to "§ 91.24," following the words "specified in," to read "§ 91.24(a)."

Issued in Washington, D.C., on May 25, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-11009 Filed 6-1-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-151]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Exportation of Pre-Columbian Art; Addition of Honduras to Restricted List

On May 2, 1973, an amendment to part 12 of the "Customs Regulations" was published in the FEDERAL REGISTER (38 FR 10807), which set forth regulations for the importation into the United States of pre-Columbian monumental and architectural sculpture or murals exported contrary to the laws of the country of origin. Section 12.105(a) limits the term "pre-Columbian monumental or architectural sculpture or mural" to certain products of Bolivia, British Honduras, Costa Rica, Dominican Republic, El Salvador, Guatemala, Mexico, Panama, Peru, or Venezuela. These countries restrict the exportation of such pre-Columbian art. Information has now been received that the laws of Honduras also restrict the exportation of pre-Columbian monumental and architectural sculpture or murals. Accordingly, § 12.105(a) is amended by inserting "Honduras" after "Guatemala."

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 204, 86 Stat. 1297; 5 U.S.C. 301, 19 U.S.C. 66, 1624, 2094.)

The amendment to part 12 which sets forth the regulations affecting the importation of pre-Columbian monumental and architectural sculpture or murals will become effective on June 1, 1973. Therefore, good cause exists for dispensing with notice and public procedure as contrary to the public interest, and good cause is found for the amendment to become effective on the same date as the earlier published amendment, under the provisions of 5 U.S.C. 553.

Effective date.—This amendment shall become effective June 1, 1973.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved May 24, 1973.

BRENT F. MOODY,
Acting Assistant Secretary of the Treasury.

[FR Doc.73-11108 Filed 6-1-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 22; Amdt. 71-14]

PART 71—STANDARD TIME ZONE BOUNDARIES

Operating Exceptions for Railroads; Deletion

Correction

In FR Doc. 73-10402 appearing at page 13725 in the issue of Friday, May 25, 1973, in the second line in the second complete paragraph in the third column, delete "(publication date)" and insert in lieu thereof "May 25, 1973".

[OST Docket No. 16; Amdt. 99-6]

PART 99—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Editorial Change

The purpose of this amendment is to correct a misreference in 49 CFR 99.735-15.

Since this amendment relates to departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective (publication date), the last sentence of paragraph (a) of § 99.735-15 of part 99 of title 49, Code of Federal Regulations, is amended to read as follows:

§ 99.735-15 Disqualification arising from private financial interests.

(a) * * * For exemptions arising from section 208, see paragraph (i) of this section.

* * * * *

(Executive Order 11222, 30 FR 6469; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; § 1.59(m), regulations of the Office of the Secretary of Transportation, 49 CFR 1.59(m).)

Issued in Washington, D.C., on May 24, 1973.

JOHN W. BARNUM,
General Counsel.

[FR Doc.73-11081 Filed 6-1-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Amendments to Lists of Endangered Fish and Wildlife

By notice of proposed rulemaking published in the FEDERAL REGISTER dated January 15, 1973 (38 FR 1521), notice was given that it was proposed to amend appendixes A and D to part 17 of title 50, Code of Federal Regulations.

Typographical errors in that proposed rulemaking were corrected in the FEDERAL REGISTER of January 22, 1973 (38 FR 2178).

Interested persons were invited to submit their views, data, or arguments regarding the proposed amendment, to the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240, prior to March 16, 1973. All relevant matters presented have been considered.

Action is being temporarily deferred on listing the red kangaroo *Megaleia rufa*, the western gray kangaroo *Macropus fuliginosus*, and the eastern gray kangaroo *Macropus giganteus* except for the subspecies *Macropus giganteus tasmaniensis*, pending: (1) receipt of additional information requested from the Australian Government on current management practices in each of the five mainland Australian states and the northern territory; (2) development and implementation of a new kangaroo management plan being prepared by the Australian Government; and (3) obtaining firsthand observation of the effectiveness of current management practices as modified by the new management plan. In the interim, careful surveillance of the Australian kangaroo situation will be maintained to assure that the present level of exploitation is not increased and that no other imminent threat to kangaroo populations is implemented or exists. Should any of the conditions above not be met or should they offer substantial evidence that one or more of the three species of kangaroos concerned are endangered now or are imminently threatened with becoming endangered, the Secretary of the Interior will promptly list as "endangered" the species concerned by appropriate amendment published in the FEDERAL REGISTER.

Accordingly, appendix A of part 17 of 50 CFR is amended by adding the following species to the "U.S. List of Endangered Foreign Fish and Wildlife." Information in the "where found" columns below is provided only for informative and advisory purposes, is not exhaustive nor inclusive and has no legal effect.

Common name	Scientific name	Where found
Yellow-footed rock wallaby	*Petrogale xanthopus*	Australia.
Tasmanian forester.	*Macropus giganteus tasmaniensis.*	Do.
Desert bandicoot	*Perameles eremiana*	Do.
Gaimards rat-kangaroo	*Bettongia gaimardi*	Do.
Quokka	*Setonix brachyurus*	Do.
Stick-nest rat	*Leporillus conditor*	Do.
Queensland hairy-nosed wombat.	*Lasiorhinus gillespiei*	Do.
Eastern native-cat	*Dasyurus viverrinus*	Do.
Numbat	*Myrmecobius fasciatus*	Do.
Gould's mouse	*Pseudomys gouldii*	Do.
Ground parrot	*Pezoporus wallicus*	Do.
Plain Wanderer	*Pedionomus torquatus*	Do.
Aquatic box turtle	*Terrapene coahuila*	Mexico.

Consistent with the foregoing, and in recognition of the fact that by listing the species the law will apply to their subspecies as well, the "U.S. List of Endangered Foreign Fish and Wildlife" is further amended by deleting the following subspecies of the species named above:

Common name	Scientific name	Where found
Rusty numbat	*Myrmecobius fasciatus rufus*	Australia.

Appendix D to part 17, of title 50, Code of Federal Regulations is amended by adding the following species or subspecies to the United States List of Endangered Native Fish and Wildlife:

MAMMALS

Common name	*Scientific name*
Utah prairie dog	*Cynomys parvidens.*
Northern Rocky Mountain wolf.	*Canis lupus irremotus.*
Eastern cougar	*Felis concolor cougar.*

BIRDS

Common name	*Scientific name*
Mississippi sandhill crane	*Grus canadensis pulla.*
Puerto Rican whip-poor-will.	*Caprimulgus noctitherus.*
Santa Barbara song sparrow	*Melospiza melodia graminea.*

AMPHIBIANS

Common name	*Scientific name*
Desert slender salamander	*Batrachoseps aridus.*

FISH

Common name	*Scientific name*
Okaloosa darter	*Etheostoma okaloosae.*

It is determined that these amendments to appendixes A and D should be implemented without delay in order to minimize the threats to the continued existence of these animals. Consequently, for good cause found, it is determined that this amendment shall be effective on June 4, 1973.

SPENCER H. SMITH,
Director.

MAY 30, 1973.

[FR Doc.73-11099 Filed 6-1-73;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

COLOR ADDITIVES

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR pt. 2) to update the redelegation of the final authority of the Commissioner relating to certification of color additives by correcting the Office and Division titles which were changed by a reorganization of the Bureau of Foods. Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), part 2 is amended in § 2.120 by revising paragraph (f) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(f) *Delegations regarding certification of color additives.*—The Director and Deputy Director of the Bureau of Foods, the Director and Deputy Director of the Office of Technology of that Bureau, and the Director and Deputy Director of the Division of Color Technology of that Office and Bureau are authorized to certify batches of color additives for use in foods, drugs, or cosmetics, pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act.

* * * * *

Effective date.—This order shall be effective on June 4, 1973.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a).)

Dated May 25, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-11094 Filed 6-1-73;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-139]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Illinois	Cook	Crestwood, Village of.				June 1, 1973. Emergency.
Do	Du Page	Downers Grove, Village of.				Do.
Louisiana	Rapids Parish	Pineville, City of				May 29, 1973 Emergency.
Michigan	Ottawa	Spring Lake, Village of.				June 1, 1973. Emergency.
New York	Suffolk	East Hampton, Village of.				Do.
Ohio	Erie	Bay View, Village of.				Do.
Pennsylvania	Clinton	Porter, Township of.				Do.
Do	Erie	Lawrence Park, Township of.				Do.
Do	Huntingdon	Alexandria, Borough of.				Do.
Do	Juniata	Fermanagh, Township of.				Do.
Do	McKean	Port Allegheny, Borough of.				Do.
Do	Northampton	Bangor, Borough of.				Do.
Wisconsin	Sauk	Baraboo, City of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued May 24, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-10919 Filed 6-1-73;8:45 am]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-140]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Florida	Leon	Unincorporated areas.				June 4, 1973, Emergency.
Louisiana	St. Landry Parish	Krotz Springs, Town of.				May 30, 1973, Emergency.
Do	do	Melville, Town of				May 31, 1973, Emergency.
Michigan	Berrien	Coloma, Township of.				June 4, 1973, Emergency.
New York	Allegany	Almond, Village of.				Do.
Do	Wayne	Arcadia, Town of				Do.
Ohio	Cuyahoga	Gates Mills, Village of.				Do.
Pennsylvania	Clinton	Avis, Borough of				Do.
Do	Lycoming	Woodward, Township of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969.)

Issued May 30, 1973.

CHARLES W. WIECKING,
Acting Federal Insurance Administrator.

[FR Doc.73-11007 Filed 6-1-73;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER O—RIGHTS-OF-WAY—ROADS

PART 161—RIGHTS-OF-WAY OVER INDIAN LANDS

Power Projects

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 21947 of the FEDERAL REGISTER of October 17, 1972 (37 FR 21947), there was published a notice of proposed rulemaking to revise 25 CFR 161.27 (b) and (f) by eliminating requirements detrimental to the granting of rights-of-way across trust or restricted Indian-owned land. The regulations were proposed pursuant to the authority contained in 5 U.S.C. 301; in the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323-328); and in the Act of March 4, 1911 (36 Stat. 1253), as amended by the Act of May 27, 1952 (66 Stat. 95; 43 U.S.C. 961).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations. Upon due consideration given to the various comments received, it has been determined that sufficient justification exists for the proposed regulations and they are hereby adopted without change and are set forth below.

The revised 25 CFR 161.27(b) and (f) shall become effective July 5, 1973.

WILLIAM L. ROGERS,
Deputy Assistant Secretary of the Interior.

MAY 25, 1973.

§ 161.27 Power projects.

* * * * *

(b) All applications, other than those made by power-marketing agencies of the Department of the Interior, for authority to survey, locate, or commence construction work on any project for the generation of electric power, or the transmission or distribution of electrical power of 66 kV or higher involving Government-owned lands shall be referred to the Office of the Assistant Secretary of the Interior for Water and Power Resources or such other agency as may be designated for the area involved, for consideration of the relationship of the proposed project to the power development program of the United States. Where the proposed project will not conflict with the program of the United States, the Secretary, upon notification to the effect, may then proceed to act upon the application. In the case of necessary changes respecting the proposed location, construction, or utilization of the project in order to eliminate conflicts with the power development program of the United States, the Secretary shall obtain from the applicant written consent to or compliance with such requirements before taking further action on the application.

* * * * *

(f) An applicant for a right-of-way for a transmission line across Government-owned lands having a voltage of 66 kV or more must, in addition to the stipulation required by § 161.5, execute and file with its application a stipulation agreeing to accept the right-of-way grant subject to the following conditions:

* * * * *

[FR Doc.73-11005 Filed 6-1-73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 221—TIMBER

Debarment and Suspension of Bidders—Sale of National Forest Timber

Correction

In FR Doc. 73-10295 appearing on page 13561 of the issue for Wednesday, May 23, 1973, in the authority citation at the end of the document, "16 U.S.C. 456, 551" should read "16 U.S.C. 476, 551".

Title 37—Patents, Trademarks, and Copyrights

CHAPTER I—PATENT OFFICE, DEPARTMENT OF COMMERCE

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

PART 6—CLASSIFICATION OF GOODS AND SERVICES UNDER THE TRADEMARK ACT

International Trademark Classification

A proposal was published at 37 FR 6404 to revise § 6.1 of the rules of practice in trademark cases. The Patent Office proposed to establish the "International Classification of Goods and Services to Which Trademarks are Applied" (the subject of the "Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks" of 1957, as revised at Stockholm on July 14, 1967) as the primary classification of goods and services for registration of trademarks and service marks. Pursuant to the notice, written comments have been received, and a public hearing was held on June 14, 1972. Full consideration has been given to all matter presented, and changes in the text of the original proposal have been made in view thereof. It has been determined that adoption of the international classification system is desirable.

The Patent Office has studied the international classification and, since March 5, 1968, has indicated the appropriate international class in all publications and on all issued registrations and renewals as a subsidiary classification. Based on this experience and the comments received, it is now believed that adoption of the international schedule as the primary classification system is desirable. The international system is easier to administer because of fewer classes of goods and the availability of an alphabetical listing of goods and services.

The Nice Agreement provides for an International Committee of Experts whose objective is to keep the classification current. The classification of specific goods and services is set forth in the alphabetical list entitled "International Classification of Goods and Services to Which Trademarks are Applied" (published by the World Intellectual Property Organization). In addition, the International Trademark Classification List contains the names of the classes setting forth the basic contents of each class. The alphabetical list also comprises explanatory notes which serve as guidelines for determining the appropriate international class for a specific product or service.

The alphabetical listing within the International Trademark Classification Manual is currently used by the Office as a guideline for determining the degree of particularity of identification of goods. See "Identification of goods and Services in Trademark Application", 36 FR 13232; July 16, 1971.

Applications for registrations filed on or after September 1, 1973, and registrations issuing thereon, will be classified according to the international classification set forth in the new § 6.1. Accordingly, the international classification is adopted under section 30 of the Trademark Act for all purposes under the statute and rules; and, therefore, will be the criterion for determining, inter alia, fees.

Applications for the registration of marks filed on or before August 31, 1973, appeals or petitions to revive or oppositions filed in connection with said applications, and affidavits, renewals, and petitions for cancellation filed in connection with registrations issuing thereon, will continue to be processed under the classification system existing at the time the mark was registered.

All applications which are published and registrations which are issued will carry both the appropriate international classification and existing U.S. classification number.

An insufficient fee, in connection with an appeal or opposition on any application or in connection with an affidavit or renewal filed in connection with any registration, will not render the same unacceptable, if the proper fee is submitted within a time limit set forth in a notification of the defect, providing the proper fee for at least one class has been originally submitted within the applicable time limit. This will be the case even if the full fee is not received within the 6th year in the case of an affidavit filed under section 8 or before the end of the 20th year, including the grace period, in the case of renewal applications, or within the 6-month statutory response period in the case of an appeal, or within the 30-day opposition period, or any extension thereof in the case of the filing of an opposition.

The existing classification system will continue to be used for searching registered and pending marks until all documents in the search file are organized on the basis of the international system of classification. Until this changeover is effected, the U.S. class designation will continue to be printed on all published applications and registrations issued under the existing or the international classification system to facilitate searching on the basis of the existing U.S. system of classification.

Until all applications filed on or before August 31, 1973, have been disposed of, the trademark sections of the Official Gazette, which are organized by class, will include two sections: One for applications published or registrations issued on the basis of applications filed on or before August 31, 1973, organized by class according to the U.S. schedule of classes; the other section for applications published or registrations issued on the basis of applications filed on or after September 1, 1973, organized by class according to the new international schedule.

Certification marks and collective membership marks will continue to be classified as set forth in redesignated §§ 6.3 and 6.4.

Efforts will be made to have the International Trademark Classification List printed by the Government Printing Office or otherwise assure the availability of the list from local sources. Notification will appear in the Official Gazette when the list is available from local sources or the Government Printing Office.

The English edition of the "International Classification of Goods and Services to Which Trade Marks Are applied" can presently be ordered from:

Sales Branch, The Patent Office, Block C Station Square House, St. Mary Cray Orpington, Kent, England.

Certain modifications and additions to the international trademark classification have been published as supplements and are also available from the British Office. In addition, and inasmuch as the World Intellectual Property Organization (WIPO) has issued the list in several languages, it is anticipated that an English version will be published by that organization.

We have been advised by the Patent Office of the United Kingdom that the only acceptable methods of payment for the International Trademark Classification List are by international postal money order or by banker's draft, payable in sterling and drawn on a bank in the United Kingdom. Orders for the international classification and for the supplements can be made by remittance in the following amount(s):

International Trademark Classification	50d.
November 15, 1967, supplement	5d.
March 18, 1970, supplement	Free
March 3, 1971, supplement	10d.
Total cost (including postage by surface mail)	65d.
Additional charge for postage by airmail	1£ 55d.
Total cost by airmail	2£ 20d.

Effective date.—This revision shall become effective as of September 1, 1973.

In consideration of the comments and pursuant to the authority contained in section 6 of the act of July 19, 1952 (66 Stat. 792, 35 U.S.C. 6), as amended October 5, 1971 (85 Stat. 364), and in section 30 of the Trademark Act of 1946 as amended (Oct. 9, 1962, 76 Stat. 773, 15 U.S.C. 1112), parts 2 and 6 of chapter I of title 37 of the Code of Federal Regulations are hereby amended as follows:

1. Section 2.85 is revised to read as follows:

§ 2.85 Classification schedules.

(a) Section 6.1 of part 6 of this chapter specifies the system of classification for goods and services which applies for all statutory purposes to trademark applications filed in the Patent Office on or after September 1, 1973, and to registrations issued on the basis of such applications. It shall not apply to applications filed on or before August 31, 1973, nor to registrations issued on the basis of such applications.

(b) With respect to applications filed on or before August 31, 1973, and registrations issued thereon, including older registrations issued prior to that date, the classification system under which the registration was granted will govern for all statutory purposes, including, inter alia, the filing of petitions to revive, appeals, oppositions, petitions for cancellation, affidavits under section 8

and renewals, even though such petitions to revive, appeals, etc., are filed on or after September 1, 1973.

(c) Section 6.2 of part 6 of this chapter specifies the system of classification for goods and services which applies for all statutory purposes to all trademark applications filed in the Patent Office on or before August 31, 1973, and to registrations issued on the basis of such applications, except when the registration may have been issued under a classification system prior to that set forth in § 6.2. Moreover, this classification will also be utilized for facilitating trademark searches until all pending and registered marks in the search file are organized on the basis of the international system of classification.

(d) Renewals filed on registrations issued under a prior classification system will be processed on the basis of that system.

(e) Where the amount of the fee received on filing an appeal or petition to revive in connection with an application or on filing an affidavit under section 8(a) or 8(b) or on an application for renewal or in connection with an opposition or petition for cancellation is sufficient for at least one class of goods or services but is less than the required amount because a multiple class application or registration is involved, the appeal or petition to revive or the affidavit or renewal application or opposition or petition for cancellation will not be refused on the ground that the amount of the fee was insufficient if the required additional amount of the fee is received in the Patent Office within the time limit set forth in the notification of this defect by the examiner.

(f) §§6.3 and 6.4 specify the system of classification which applies to certification marks and collective membership marks.

(g) Classification schedules shall not limit or extend the applicant's rights.

2. A new § 6.1 is added and reads as follows:

§ 6.1 International schedule of classes of goods and services.

GOODS

1. Chemical products used in industry, science, photography, agriculture, horticulture, forestry; artificial and synthetic resins; plastics in the form of powders, liquids or pastes, for industrial use; manures (natural and artificial); fire extinguishing compositions; tempering substances and chemical preparations for soldering; chemical substances for preserving foodstuffs; tanning substances; adhesive substances used in industry.

2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colouring matters, dyestuffs; mordants; natural resins; metals in foil and powder form for painters and decorators.

3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4. Industrial oils and greases (other than oils and fats and essential oils); lubricants; dust laying and absorbing compositions; fuels (including motor spirit) and illuminants; candles, tapers, night lights and wicks.

5. Pharmaceutical, veterinary, and sanitary substances; infants' and invalids' foods; plasters, material for bandaging; material for stopping teeth, dental wax, disinfectants; preparations for killing weeds and destroying vermin.

6. Unwrought and partly wrought common metals and their alloys; anchors, anvils, bells, rolled and cast building materials; rails and other metallic materials for railway tracks; chains (except driving chains for vehicles); cables and wires (nonelectric); locksmiths' work; metallic pipes and tubes; safes and cash boxes; steel balls; horseshoes; nails and screws; other goods in nonprecious metal not included in other classes; ores.

7. Machines and machine tools; motors (except for land vehicles); machine couplings and belting (except for land vehicles); large size agricultural implements; incubators.

8. Hand tools and instruments; cutlery, forks, and spoons; side arms.

9. Scientific, nautical, surveying and electrical apparatus and instruments (including wireless), photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; coin or counterfreed apparatus; talking machines; cash registers; calculating machines; fire extinguishing apparatus.

10. Surgical, medical, dental, and veterinary instruments and apparatus (including artificial limbs, eyes, and teeth).

11. Installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes.

12. Vehicles; apparatus for locomotion by land, air, or water.

13. Firearms; ammunition and projectiles; explosive substances; fireworks.

14. Precious metals and their alloys and goods in precious metals or coated therewith (except cutlery, forks and spoons); jewelry, precious stones, horological and other chronometric instruments.

15. Musical instruments (other than talking machines and wireless apparatus).

16. Paper and paper articles, cardboard and cardboard articles; printed matter, newspaper and periodicals, books; bookbinding material; photographs; stationery, adhesive materials (stationery); artists' materials; paint brushes; typewriters and office requisites (other than furniture); instructional and teaching material (other than apparatus); playing cards; printers' type and cliches (stereotype).

17. Gutta percha, india rubber, balata and substitutes, articles made from these substances and not included in other classes; plastics in the form of sheets, blocks and rods, being for use in manufacture; materials for packing, stopping or insulating; asbestos, mica and their products; hose pipes (nonmetallic).

18. Leather and imitations of leather, and articles made from these materials and not included in other classes; skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

19. Building materials, natural and artificial stone, cement, lime, mortar, plaster and gravel; pipes of earthenware or cement; roadmaking materials; asphalt, pitch and bitumen; portable buildings; stone monuments; chimney pots.

20. Furniture, mirrors, picture frames; articles (not included in other classes) of wood, cork, reeds, cane, wicker, horn bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum, celluloid, substitutes for all these materials, or of plastics.

21. Small domestic utensils and containers (not of precious metals, or coated therewith); combs and sponges; brushes (other than paint brushes); brushmaking materials; instruments and material for cleaning purposes, steel wool; unworked or semi-worked glass (excluding glass used in building); glassware, porcelain and earthenware, not included in other classes.

22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks; padding and stuffing materials (hair, kapok, feathers, seaweed, etc.); raw fibrous textile materials.

23. Yarns, threads.

24. Tissues (piece goods); bed and table covers; textile articles not included in other classes.

25. Clothing, including boots, shoes and slippers.

26. Lace and embroidery, ribands and braid; buttons, press buttons, hooks and eyes, pins and needles; artificial flowers.

27. Carpets, rugs, mats and matting; linoleums and other materials for covering existing floors; wall hangings (nontextile).

28. Games and playthings; gymnastic and sporting articles (except clothing); ornaments and decorations for Christmas trees.

29. Meats, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams; eggs, milk and other dairy products; edible oils and fats; preserves, pickles.

30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, coffee substitutes; flour, and preparations made from cereals; bread, biscuits, cakes, pastry and confectionary, ices; honey, treacle; yeast, baking powder; salt, mustard, pepper, vinegar, sauces, spices; ice.

31. Agricultural, horticultural and forestry products and grains not included in other classes; living animals; fresh fruits and vegetables; seeds; live plants and flowers; foodstuffs for animals, malt.

32. Beer, ale and porter; mineral and aerated waters and other nonalcoholic drinks; syrups and other preparations for making beverages.

33. Wines, spirits and liqueurs.

34. Tobacco, raw or manufactured; smokers' articles; matches.

SERVICES

35. Advertising and business.
36. Insurance and financial.
37. Construction and repair.
38. Communication.
39. Transportation and storage.
40. Material treatment.
41. Education and entertainment.
42. Miscellaneous.

§§ 6.1, 6.2 and 6.3 [Redesignated]

3. Sections 6.1, 6.2 and 6.3 are redesignated as §§ 6.2, 6.3 and 6.4, respectively.

Approved May 14, 1973.

ROBERT GOTTSCHALK,
Commissioner of Patents.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.73-10996 Filed 6-1-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Allowable Maintenance on 1975 Model Year Light Duty Vehicles

Regulations specifying allowable maintenance on 1975 model year light duty

vehicles tested to demonstrate compliance with new motor vehicle emission standards, and revisions to the test schedule of both 1974 and 1975 model year vehicles, were proposed by the Environmental Protection Agency (EPA) on November 8, 1972 (37 FR 23778). The maintenance involved would be performed on durability test vehicles which are driven and tested for 50,000 miles to determine the deterioration of emission control systems over the useful life of the vehicles. The proposed regulations authorized maintenance in excess of that specifically allowed in prior model years, in recognition that different emission control system components will be used on 1975 and later model year vehicles.

The provisions regarding testing of 1974 model year vehicles are promulgated as they were proposed. No significant comments were received with respect to the 1974 model year amendments. Comments received in response to the proposed 1975 model year amendments and other data made available to the Administrator have led to a number of revisions from the proposal.

It has been EPA's policy to allow maintenance to be performed on prototype test vehicles so long as that maintenance represented maintenance which would be expected to be performed on production vehicles by their owners. This policy of representativeness of maintenance on test vehicles is incorporated in the regulations. Maintenance additional to that performed on test vehicles may be listed in the maintenance instructions provided to the ultimate purchaser of the vehicle only if the maintenance is performed on a time basis (test vehicles accumulate mileage at a faster rate than in use vehicles) or to prevent failure after 50,000 miles (test vehicles are not expected to run more than 50,000 miles whereas most vehicles are designed to last for approximately 100,000 miles). The provision of part 85 which governs the submission of maintenance instructions by the manufacturer to the vehicle owner is amended below to specify that the instructions must include that maintenance which was performed on durability vehicles.

The regulations promulgated below provide that in order to perform maintenance on most Exhaust Gas Recirculation (EGR) systems and catalytic converters, manufacturers will need to equip vehicles with a warning device (audible and/or visual) that will alert the vehicle operator to the need for maintenance on EGR systems or catalytic converters either at a particular time or mileage interval or when component malfunction or failure occurs. Under these regulations, the Administrator has authority to disapprove warning devices which he considers to be easily disconnected or which he judges do not provide sufficient notice to the vehicle operator of the need for maintenance.

The provision to require warning devices to alert the vehicle operator to the need for EGR system and catalytic converter maintenance has been included in response to comments received on means of inducing vehicle owners to perform maintenance. Comments had been requested on this issue of EPA's requiring that manufacturers warrant the cost of catalytic converter and EGR system replacement. Many comments received were opposed to warranty because its application would be anticompetitive and difficult to administer. Also, the loss of a vehicle and the inconvenience of bringing it to a dealer were considered to far outweigh the prepayment incentive and therefore it was argued that the recall rate would be low. No comments opposed warning devices and some groups called them the best hope for performance of maintenance. Several other groups commented that warning devices could complement the implementation of State inspection programs by providing an easy means to determine whether EGR systems and catalytic converters were functioning. Based upon these comments and its further assessment of the relative practicability of warning devices and warranties, EPA has determined that warning devices provide the best incentive at this time for the performance of maintenance on EGR systems and catalytic converters.

Several options are available under the regulations for servicing EGR systems. First, servicing may be scheduled no more frequently than at the scheduled major engine tuneup points if a signal alerts the vehicle operator at each of those mileage points to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction (which may or may not be a warning device) and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use. Second, servicing may be performed as unscheduled maintenance up to three times during 50,000 miles if the signal is activated by EGR system failure. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction (which may or may not be a warning device) and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use. The third option is a combination of the first two. Under it, servicing may be performed up to three times during 50,000 miles, either at a scheduled major engine tuneup point if the signal is activated by the need for periodic EGR system maintenance, or as unscheduled maintenance if the signal is activated by EGR system failure. If EGR system maintenance is performed, the signal for scheduled maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction (which may or may not be a warning device) and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

Under the fourth option for the performance of maintenance on EGR systems, servicing may be performed on a scheduled basis at major engine tuneup points (which may be no more frequent than every 12,500 miles) if failure to perform EGR system maintenance is not likely, in the determination of the Administrator, to result in an improvement in vehicle performance. EPA recognizes that not all EGR system designs meet the requirements of this option. However, the concept that EGR system failure should not improve vehicle performance is desirable from the point of view of performance of maintenance by vehicle owners, and remains available as an option for manufacturers in these regulations. Under the fourth option also, one additional servicing of the EGR system may also be performed as unscheduled maintenance if there is an overt indication of malfunction (which may or may not be a warning device) and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

The one additional servicing of the EGR system, based upon over indication of malfunction, which is contained in each of the four options is provided to clarify the maximum amount of maintenance which will be allowed on EGR systems under all circumstances. Previously, unscheduled maintenance could be performed as many times as the need for it satisfied the established criteria. Because of the cost involved, EPA has determined that the total number of times a vehicle owner can be expected to have EGR system maintenance performed is four. By limiting the amount of maintenance which may be performed, even in those cases where the vehicle malfunction is overt, it is the Agency's purpose to require manufacturers to develop durable EGR systems.

Under the regulations the catalytic converter may be serviced once during 50,000 miles if the vehicle is equipped with a warning device that will alert the vehicle operator to the need for such maintenance; the signal shall be activated either at a specified interval or upon component failure. There are no unscheduled maintenance provisions for catalytic converters in addition to the one allowable scheduled or unscheduled servicing point. The reason for not allowing an additional unscheduled servicing of catalytic converters is that the cost of such servicing is expected to be high, and it is unlikely, since there would probably be no adverse driveability as a result of converter malfunction or failure, that owners would absorb the cost of replacement more than once during 50,000 miles.

The regulations eliminate the 150 cubic inch displacement restriction on scheduled major engine tuneups and allow up to three tuneups on durability vehicles. Data made available to the Administrator indicate that the frequency of performance of tuneups is independent of engine size. The elimination of the 150 CID restriction allows scheduled maintenance on durability vehicles to correspond more closely to that maintenance actually performed on in-use vehicles.

The Administrator has also determined that the average mileage interval between major engine tuneups on American-made cars is approximately 12,500 miles. The minimum interval for such tuneups on durability vehicles has thus been changed from 12,000 miles to 12,500 miles of scheduled driving. This interval is also more convenient for EPA and the automobile manufacturers since it makes the minimum mileage accumulation between all tuneups the same. In addition, to provide for the same number of emission test points 16 provided for in the proposed modifications, the 4,000-mile interval between such test points has been changed to 5,000 miles.

Unscheduled maintenance for engine, emission control, or fuel system components not specifically listed in these regulations will be approved on an ad hoc basis provided there is an overt indication of malfunction; if the malfunction or the repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use; and if, except in a few specified instances, performance of maintenance does not require direct access to the combustion chamber.

Scheduled maintenance for engine, emission control system, or fuel system components not specifically listed in these regulations will be approved if the manufacturer makes a satisfactory showing (e.g., customer service data, periodic warning device) that the maintenance will be performed on vehicles in use. Both the concept that the failure to perform such maintenance does not result in the improvement in vehicle performance and the concept that parts and components requiring less maintenance are unavailable have been dropped from the final regulation in response to comments indicating the difficulty in making these determinations.

Part 85 of chapter I, title 40 of the Code of Federal Regulations as applicable to 1974 and 1975 and later model year light duty vehicles is amended below and is effective July 5, 1973.

(Secs. 206 and 207(c) of the Clean Air Act, as amended 42 U.S.C. 1857f–5; 1857f–6(c).)

Dated May 29, 1973.

ROBERT W. FRI,
ROBERT W. FRI,
Acting Administrator.

1. In § 85.074–7 of part 85, title 40 of the Code of Federal Regulations, as applicable to 1974 model year light duty vehicles, paragraphs (b) and (c) are revised and paragraph (h) is added as follows:

§ 85.074–7 Mileage accumulation and emission measurements.

* * * * *

(b) Durability data vehicles: Each durability data vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of this procedure. Emission measurements from a cold start, taken in accordance with §§ 85.074–20 and 85.074–21, shall be made at the following mileage points: 0, 4,000, 8,000, 12,000, 16,000, 20,000, 24,000, 28,000, 32,000, 36,000, 40,000, 44,000, and 50,000.

(c) All tests required by this subpart to be conducted after 4,000 miles of driving or at any subsequent test point listed in paragraph (b) of this section must be conducted at any accumulated mileage within 250 miles of each of those test points.

* * * * *

(h) Emission testing of any type with respect to any certification vehicle other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

2. Section 85.075–6 of part 85, title 40 of the Code of Federal Regulations, as applicable to 1975 model year light duty vehicles, is revised as follows:

§ 85.075–6 Maintenance.

(a) (1) Scheduled maintenance on the engine, emission control system, and fuel system of durability vehicles shall be scheduled for performance during durability testing at the same mileage intervals that will be specified in the manufacturer's maintenance instructions furnished to the ultimate purchaser of the motor vehicle. Such maintenance shall be performed, except as provided in paragraph (a) (5) (iii) of this section, only under the following provisions:

(i) Scheduled major engine tuneups to manufacturer's specifications may be performed no more frequently than every 12,500 miles of scheduled driving, provided that no tuneup may be performed after 45,000 miles of scheduled driving. A scheduled major engine tuneup shall be restricted to paragraph (a) (1) (i) (*a*) through (*k*) of this section and shall be conducted in a manner consistent with service instructions and specifications provided by the manufacturer for use by customer service personnel. The following items may be inspected, replaced, cleaned, adjusted, and/or serviced as required:

(*a*) Ignition system.

(*b*) Cold starting enrichment system (includes fast idle speed setting).

(*c*) Curb idle speed and air/fuel mixture.

(*d*) Drive belt tension on engine accessories.

(*e*) Valve lash.

(*f*) Inlet air and exhaust gas control valves.

(*g*) Engine bolt torque.

(*h*) Spark plugs.

(*i*) Fuel filter and air filter.

(*j*) Crankcase emission control system.

(*k*) Fuel evaporative emission control system.

(ii) Change of engine and transmission oil, and change or service of oil filter will be allowed at the same mileage intervals that will be specified in the manufacturer's maintenance instructions.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to during scheduled major engine tuneups, once during the first 5,000 miles of vehicle operation.

(2) Unscheduled maintenance on the engine, emission control system, and fuel system of durability vehicles may be performed, except as provided in paragraph (a) (5) (i) of this section, only under the following provisions:

(i) Any persistently misfiring spark plug may be replaced, in addition to replacement at scheduled major engine tuneup points.

(ii) Readjustment of the engine cold starting enrichment system may be performed if there is a problem of stalling or if there is visible black smoke.

(iii) Readjustment of the engine idle speed (curb idle and fast idle) may be performed, in addition to that performed as scheduled maintenance under paragraph (a) (1) of this section, if the idle speed exceeds the manufacturer's recommended idle speed by 300 r/min or more, or if there is a problem of stalling.

(iv) The idle mixture may be reset, other than during scheduled major engine tuneups, only with the advance approval of the Administrator.

(3) An exhaust gas recirculation (EGR) system may be serviced during durability testing only under one of the following provisions:

(i) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneups if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance at each of those mileage points. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(ii) Manufacturers may service the EGR system as unscheduled maintenance a maximum of three times during the 50,000 miles if failure of the EGR system activates an audible and/or visual signal approved by the Administrator which alerts the vehicle operator to the need for EGR system maintenance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iii) Manufacturers may service the EGR system a maximum of three times during the 50,000 miles either at a scheduled major engine tuneup point or as unscheduled maintenance, if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for EGR system maintenance. The signal may be activated either by EGR system failure (unscheduled maintenance) or need for scheduled periodic maintenance. If maintenance is performed, the signal for scheduled periodic maintenance shall be reset. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(iv) Manufacturers may schedule service to the EGR system at the scheduled major engine tuneup(s) if failure to perform EGR system maintenance is not likely, as determined by the Administrator, to result in an improvement in vehicle performance. One additional servicing may also be performed as unscheduled maintenance if there is an overt indication of malfunction and if the malfunction or repair of the malfunction does not render the test vehicle unrepresentative of vehicles in use.

(4) The catalytic converter may be serviced once during 50,000 miles if an audible and/or visual signal approved by the Administrator alerts the vehicle operator to the need for maintenance. The signal may be activated either by component failure or need for maintenance at a scheduled point.

(5) Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on durability vehicles shall be performed only with the advance approval of the Administrator.

(i) In the case of unscheduled maintenance, such approval will be given if the Administrator:

(*a*) Has made a preliminary determination that part failure or system malfunction, or the repair of such failure or malfunction, does not render the vehicle unrepresentative of vehicles in use, and does not require direct access to the combustion chamber, except for spark plug, fuel injection component, or removable prechamber removal or replacement; and

(*b*) Has made a determination that the need for maintenance or repairs is indicated by an overt indication of malfunction such as persistent misfire, vehicle stall, overheating, fluid leakage, loss of oil pressure, or charge indicator warning.

(ii) Emission measurements may not be used as a means of determining the need for unscheduled maintenance under paragraph (a)(5)(i)(*a*).

(iii) Requests for authorization of scheduled maintenance of emission control-related components not specifically authorized to be maintained by these regulations must be made prior to the beginning of durability testing. The Administrator will approve the performance of such maintenance if the manufacturer makes a satisfactory showing that the maintenance will be performed on vehicles in use.

(6) If the Administrator determines that part failure or system malfunction occurrence and/or repair rendered the vehicle unrepresentative of vehicles in use, the vehicle shall not be used as a durability vehicle.

(7) Where the Administrator agrees under § 85.075–7 to a mileage accumulation of less than 50,000 miles for durability testing, he may modify the requirements of this paragraph.

(b) Adjustment of engine idle speed on emission data vehicles may be performed once before the 4,000 mile test point. Any other engine, emission control system, or fuel system adjustment, repair, removal, disassembly, cleaning, or replacement on emission data vehicles shall be performed only with the advance approval of the Administrator.

(c) Repairs to vehicle components of the durability or emission data vehicle, other than the engine, emission control system, or fuel system, shall be performed only as a result of part failure, vehicle system malfunction, or with the advance approval of the Administrator.

(d) Complete emission tests (see §§ 85.075–10 and 85.075–27) are required, unless waived by the Administrator, before and after any vehicle maintenance which may reasonably be expected to affect emissions. These test data shall be air posted to the Administrator within 24 hours (or delivered within 3 working days), after the tests, along with a complete record of all pertinent maintenance, including a preliminary engineering report of any malfunction diagnosis and the corrective action taken. A complete engineering report shall be delivered or air posted to the Administrator within 10 working days after the tests. In addition, all test data and maintenance reports shall be compiled and provided to the Administrator in accordance with § 85.075–4.

(e) The Administrator shall be given the opportunity to verify the existence of an overt indication of part failure and/or vehicle malfunction (e.g., misfire, stall, black smoke), or an activation of an audible and/or visual signal, prior to the performance of any maintenance to which such overt indication or signal is relevant under the provisions of this section.

(f) Equipment, instruments, or tools may not be used to identify malfunctioning, maladjusted, or defective engine components unless the same or equivalent equipment, instruments, or tools will be available to dealerships and other service outlets and

(1) Are used in conjunction with scheduled maintenance on such components,

(2) Are used subsequent to the identification of a vehicle or engine malfunction, as provided in paragraph (a)(5)(1) of this section for durability vehicles or paragraph (b) of this section for emission data vehicles, or

(3) Unless specifically authorized by the Administrator.

3. In § 85.075–7 of part 85, title 40 of the Code of Federal Regulations, as applicable to 1975 and later model year light duty vehicles, paragraphs (b) and (c) are revised and paragraph (h) is added as follows:

§ 85.075–7 Mileage accumulation and emission measurements.

* * * * *

(b) Durability data vehicles: Each durability vehicle shall be driven, with all emission control systems installed and operating, for 50,000 miles or such lesser distance as the Administrator may agree to as meeting the objectives of this procedure. Complete emission tests (see §§ 85.075–10 through 85.075–27) shall be made at the following mileage points: 0, 5,000, 10,000, 15,000, 20,000, 25,000, 30,000, 35,000, 40,000, 45,000, and 50,000.

(c) All tests required by this subpart to be conducted after every 5,000 miles of driving for durability vehicles and 4,000 miles for emission data vehicles must be conducted at any accumulated mileage within 250 miles of each of those test points.

* * * * *

(h) Emission testing of any type with respect to any certification vehicle other than that specified in this subpart is not allowed except as such testing may be specifically authorized by the Administrator.

4. Section 85.075–28 of part 85, title 40 of the Code of Federal Regulations, as applicable to 1975 and later model year light duty vehicles, is amended, as follows:

§ 85.075–28 Compliance with emission standards.

* * * * *

(c) * * *

(1) * * *

(i) * * *

(*b*) All emission data from the tests conducted before and after the scheduled maintenance provided in §§ 85.075–6(a)(1)(i), (1)(iii), (3), (4), and (5)(iii).

* * * * *

5. In § 85.075–38 of part 85, title 40 of the Code of Federal Regulations, as applicable to 1975 and later model year light duty vehicle, a new paragraph (a)(3) is added as follows:

§ 85.075–38 Maintenance instructions.

(a) * * *

(3) Such instructions shall specify the performance of all scheduled maintenance performed by the manufacturer under § 85.075–6(a) and shall explain the conditions under which EGR system and catalytic converter maintenance is to be performed (e.g., what type of warning device is being employed and whether the device is activated by component failure or the need for periodic maintenance).

[FR Doc.73–11097 Filed 6–1–73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19478, FCC 73–551]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 91—INDUSTRIAL RADIO SERVICES

Medical Telemetry and Other Low-Power Uses of Offset Frequencies in Business Radio Service

First report and order. In the matter of amendment of parts 2 and 91 of the Commission's rules to permit medical telemetry and other low-power uses of offset frequencies in the business radio service, docket No. 19478, RM–1842.

1. On March 28, 1972, the Commission issued a notice of inquiry and notice of

proposed rulemaking in the above-entitled matter which was published in the FEDERAL REGISTER on April 4, 1972, 37 FR 6757. Comments were filed by the Central Committee on Communications Facilities of the American Petroleum Institute (API); Gary J. Anderson, M.D.; Land Mobile Communications section of the Communications and Industrial Electronics Division of the Electronic Industries Association (EIA); Hewlett-Packard Co.; International Telephone & Telegraph Corp. Mobile Communications (ITT); National Association of Business & Educational Radio, Inc. (NABER); Reach Electronics, Inc.; Spacelabs, Inc.; United Airlines, Inc. (United) and the Utilities Telecommunications Council (UTC). Aeronautical Radio, Inc. (ARINC); and Hewlett-Packard Co. also submitted reply comments.

2. The notice of inquiry and notice of proposed rulemaking sought comments on the desirability of amending the rules governing the business radio service to permit additional uses of "offset" frequency techniques in the band 460–470 MHz. In this band, assignments are spaced every 25 kHz; and offset assignments, where made, are 12.5 kHz from the listed frequencies. Use of offset frequencies is restricted to low-power mobile installations where the area of operation is within the confines of an industrial complex. It appeared that additional uses, particularly in-hospital, biomedical telemetry, could be accommodated on these frequencies and our Notice of Inquiry contemplated the development of information regarding this and other low-power communication requirements which might be met through the use of the offset frequency assignments.

3. The twofold nature of the notice; i.e., the proposal to permit in-hospital telemetry and the inquiry about other operations which could be accommodated on the offset frequencies, has resulted in conflicting comments. Because it is our belief that a comprehensive examination of the proposals submitted concerning additional low-power operations of the offset frequencies will unduly delay a decision for their use for low-power, biomedical telemetry purposes within hospitals, we are issuing a first report and order limited to this aspect of the proposal. The proceeding will remain open for future consideration of other low-power uses that can be accommodated on these frequencies.

4. The in-hospital cardiac use contemplated in our notice generally involves small telemetry transmitters carried by ambulatory patients which transmit certain physiological data to a receiver-monitor. The comments agreed that this was a valid communications requirement which justifies frequency allocation. However, one of the issues raised in our inquiry was whether these operations could reasonably co-exist with other co-channel and adjacent channel operations conducted in the vicinity of hospitals and which use higher transmitter powers.

5. The proposal to accommodate low-power in-hospital telemetry was predicated on our belief that the possibility of cochannel interference to the medical telemetry unit would be remote because of the shielding available within the hospital building. Adjacent channel interference was not believed to be a problem because of the combination of factors necessary to produce harmful interference. Our assumptions were contested by a number of parties. For example, API states, "* * * use of such telemetry facilities on the upper floors of hospitals or medical centers could result in serious interference being received from nearby industrial systems, because the medical system receivers would be provided with visibility far exceeding that which was anticipated when § 91.554(c) was adopted * * *."[1] Adjacent channel interference was also thought to be a problem. EIA states, "The channels which sandwich the 12.5 kHz spaced offset frequencies permit powers in the area of 100 W, or 1,000 times that of the proposed biomedical systems * * *." and suggested that "the potential for dangerous and destructive interference (to in-hospital telemetry systems) is substantially greater on these frequencies than on those provided for this purpose in the Commission's March 8, 1972, report and order in docket 19231 (VHF–TV sharing.)"[2]

6. In reply comments, Hewlett-Packard, the petitioner in this proceeding, did not contest the possibility of interference, but argues that it may be minimized through the use of selective modulation and filtering techniques and alarm circuitry.[3] Further, it suggests, as a possibility for minimizing adjacent channel interference, limiting in-hospital telemetry operations to the offset frequencies located within the band 460.650–460.875 MHz, since regularly assigned frequencies within this band are primarily available at air terminals for comparatively low-power operations.

7. ITT also considered adjacent channel interference and states:

> The fixed telemetry receiver can be made highly stable and highly selective because there is no size or power consumption restriction. Also, the receiving antenna can be a radiating cable (otherwise known as leaky line) whose characteristics are: to have good pickup of signals close-in, but have attenuated response to far-field signals. All of the above technical factors are favorable to medical telemetry systems coexisting with adjacent channel (12.5 kHz away) business radio station without mutual interference.

In addition, ITT notes medical telemetry transmitters are exposed to a very narrow temperature range (as it is carried next to a patient's body) resulting in greater transmitter stability than would be expected in transmitters used for voice operations in industrial complexes which are subject to temperatures ranging from −30°C to +50°C. Further, voice transmissions require greater bandwidth than biomedical telemetry transmissions, necessitating the use of a receiver with less selectivity than could be employed for biomedical telemetry reception.

8. ITT's and Hewlett-Packard's arguments are persuasive, and we tend to believe that the potential for co- and adjacent-channel interference to well-designed operations on offset frequencies may not be as significant as suggested by some of the other comments. However, we did not receive sufficient data to enable us to determine with reasonable assurance the precise conditions under which offset frequencies may be used without serious interference problems and, as we have said, we will pursue this issue further in this proceeding.

9. Meanwhile, we agree with Hewlett-Packard that in-hospital, low-power telemetry systems can be accommodated in the interim on the offset frequencies located between the frequencies allocated in the 460–470 MHz band for land mobile operations in air terminals. This would make available a total of 18 frequencies and would accommodate the reasonable requirements of many hospitals for the time being. As pointed out by Hewlett-Packard, in the 87 largest urban areas, the aviation terminal frequencies are used within known areas (the general confines of air terminals) with relatively low power, i.e., 20 W for base stations and 3 W for mobile stations. The requirement for multifrequency systems is related to hospital size and facilities, and access to these frequencies by hospitals within these areas should be relatively interference free. Outside the 87 largest urban areas where the aviation terminal frequencies may be used for land mobile operations employing up to 180 W power, the interference potential to 12.5 kHz offset frequencies in hospitals is considerably greater. In these areas, hospitals will need a small number of frequencies; and we expect this requirement can be accommodated on the eight low-power business channels which are limited to 3 W power and are not adjacent to frequencies on which higher powers are permitted. Accordingly, we believe that well-designed, in-hospital telemetry systems on the offset frequencies can be expected to operate there without significant adjacent interference problems. Specifically, therefore, we will amend our rules to permit one-way, non-voice biomedical telemetry operations on the 18, 12.5 kHz offset frequencies located within the bands 460.650–460.875 and 465.650–465.875 MHz in hospitals, medical, and convalescent centers. Further, to minimize cochannel interference possibilities, we are restricting for the time being all new operations on these offsets to biomedical telemetry operations. Existing systems currently utilizing these offset frequencies will continue to be authorized; but no new nonmedical

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[1] Offset frequencies became available as a result of channel-splitting action in docket 13847 (33 FR 3114).

[2] Rules adopted in the proceeding in docket No. 19231 permit low-power medical telemetry operation on selected VHF–TV channels under the provisions of part 15 of our rules.

[3] Alarm circuitry indicates an interference condition which might result in an inaccurate display of a patient's condition necessitating direct observation of the patient until the interference condition passes.

telemetry operations will be permitted.

10. In reaching our conclusion to permit limited in-hospital, biomedical telemetry on the 460–470 MHz offset frequencies, we considered, among other matters, the argument advanced by Spacelabs, Inc., to the effect that operation of the radio telemetry units near heart pacemakers could cause the pacemaker to function erratically and could harm the patient on which it (the pacemaker) is attached. The Commission appreciates Spacelab's concern. We note, however, Hewlett-Packard's reply comment that the:

> Susceptibility of a pacemaker to radio frequency radiation is not peculiar to the frequencies involved in this proceeding. Medical telemetry is only one of many sources of radio frequency radiation which may interfere with the proper operation of a pacemaker. Because medical telemetry units are operated in close proximity with pacemakers, it has become common clinical practice to evaluate the compatibility of a pacemaker and a medical telemetry unit under actual operating conditions on a patient before the patient is permitted to ambulate.

11. The problem noted by Spacelabs is, as stated by Hewlett-Packard, not limited to the frequencies in the 450–470 MHz band. The U.S. Department of Health, Education, and Welfare, in a publication entitled: "Electro-magnetic Radiation Interference with Cardiac Pacemakers," has stated:

> * * * pacemaker disfunction has been reported in the vicinity of the following: Radio stations, motorcycles, and gasoline ignition systems, radar sites, and electric shaver, and a television receiver, as well as an electric mixer. This brief list is not intended to be all inclusive, but serves to point out the wide variety of potential interference sources presented daily to the pacemaker wearer. Physicians have been alerted to the potential interference from electronic products through the available literature; and they, in turn, have been able to advise their pacemaker patients on possible problems.

Because awareness of the problem of interference to cardiac pacemakers is well publicized, the Commission believes the public interest can best be served by complying with Hewlett-Packard's request. It is our belief that this particular interference problem is best dealt with by the medical personnel concerned. Should trouble occur because of interference between the telemetry transmitter installed on a patient and his pacemaker, this effect should be immediately apparent at the monitor. Corrective action can then be taken.

12. Few other items require decision. We see no substantial difference between our proposal to permit 100 mW "output" and 100 mW "radiated" power urged by Hewlett-Packard. Therefore, we will adhere to our original proposal and permit a maximum of 100 mW of output power for biomedical telemetry units operating on the frequencies in question because it is easier to enforce the power limitation through our type-acceptance program.

13. ARINC suggested that it be allowed to coordinate the selection of the offset frequencies within the air terminal allocation. Since ARINC coordinates the regularly assignable air terminal frequencies, it would probably be logical to allow it to coordinate the offsets, also. However, the National Association of Business and Educational Radio, Inc., has been doing this for applicants using these as well as the other offsets in industrial complexes; and it would be more practical to continue the existing arrangements until the whole question relating to the use of all of the offset frequencies in the 460–470 MHz band is settled in a subsequent phase of this proceeding.

14. Finally, as urged by Reach Electronics and Hewlett-Packard, we will not impose precise modulation restrictions beyond limiting the use to telemetry and to nonvoice techniques.

15. In view of the foregoing, the Commission finds adoption of a rule amendment permitting biomedical telemetry on the offset frequencies between the air terminal frequencies in the bands 460.650–460.875 MHz and 465.650–465.875 MHz will serve the public interest. The rule amendment set forth in the attached appendix will, therefore, permit such operations on the specified offsets. Because of the interest displayed by the Federal Government concerning the use of these frequencies for telemetry operations in government hospitals, we are also amending part 2 of the Commission's rules to permit this limited government use of these frequencies under the same technical parameters prescribed for nongovernment users.

16. Accordingly, Pursuant to authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That effective July 6, 1973, parts 2 and 91 of the Commission's rules are amended, as shown below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1032; 47 U.S.C. 154, 303.)

Adopted May 23, 1973.

Released May 25, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
BEN F. WAPLE,
Secretary.

1. Part 2 of the Commission's rules is amended as follows:

Section 2.106 is amended by the addition of U.S. footnote 209 to read as follows:

[1] Commissioners Johnson and Wiley concurring in the result.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature OF SERVICES of stations
1	2	3	4	5	6	7	8	9	10	11
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *
460–470	FIXED. MOBILE. Meteorological-Satellite. (318A)				(US109) (US209)	460–462.6375	LAND MOBILE.	Base. Land Mobile		PUBLIC SAFETY. INDUSTRIAL. LAND TRANSPORTATION.
* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *	* * *

* * *

US209 The use of frequencies 460.6625, 460.6875, 460.7125, 460.7375, 460.7625, 460.7875, 460.8125, 460.8375, 460.8625, MHz and 465.6625, 465.6875, 465.7125, 465.7375, 465.7625, 465.7875, 465.8125, 465.8375, 465.8625 MHz may be authorized with 100 milliwatts or less output power to Government and non-Government radio stations for one-way, nonvoice bio-medical telemetry operations in hospitals, or in medical or convalescent centers.

* * *

2. Section 91.554(c) is amended, and a new paragraph (d) is added to read as follows:

§ 91.554 Frequencies available.

* * * * *

(c) Except for frequencies separated by 12.5 kHz from regularly assigned frequencies in the bands 460.650–460.875 MHz and 465.650–465.875 MHz, low-power mobile stations of 3 W or less may be assigned any frequency separated by 12.5 kHz from any mobile frequency in the band 450–470 MHz listed in paragraph (a) of this section. Such station may be used to provide any function of a base, mobile relay, or mobile station: *Provided*, That all operation is limited to the confines of an industrial complex. When used as a base station or mobile relay, the height of the antenna shall not exceed 20 ft above ground. All operation is subject to the condition that harmful interference is not caused to adjacent mobile operations.

(d) Low-power mobile stations of 100 mW or less output power may be assigned any frequency separated by 12.5 kHz from a regularly assigned frequency in the bands 460.650–460.875 MHz and

465.650–465–875 MHz listed in paragraph (a) of this section, for one-way, non-voice biomedical telemetry operations in hospitals, or in medical or convalescent centers.

[FR Doc.73–10983 Filed 6–1–73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 517–73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Establishing the Office of Watergate Special Prosecution Force

By virtue of the authority vested in me by 28 U.S.C. 509, 510, and 5 U.S.C. 301, there is hereby established in the Department of Justice, the Office of Watergate Special Prosecution Force, to be headed by a Director. Accordingly, part 0 of chapter I of title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.1 of subpart A, which lists the organizational units of the Department, is amended by adding "Office of Watergate Special Prosecution Force" immediately after "Office of the Pardon Attorney."

2. A new subpart G–1 is added immediately after subpart G, to read as follows:

Subpart G–1—Office of Watergate Special Prosecution Force

§ 0.37 General functions.

The Office of Watergate Special Prosecution Force shall be under the direction of a Director who shall be the Special Prosecutor appointed by the Attorney General. The duties and responsibilities of the Special Prosecutor are set forth in the attached appendix which is incorporated and made a part hereof.

This order is effective as of May 25, 1973.

Dated May 31, 1973.

ELLIOT L. RICHARDSON,
Attorney General.

APPENDIX

DUTIES AND RESPONSIBILITIES OF THE SPECIAL PROSECUTOR

The Special Prosecutor.—There is appointed by the Attorney General, within the Department of Justice, a Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry in Democratic National Committee headquarters at the Watergate, all offenses arising out of the 1972 Presidential election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters which he consents to have assigned to him by the Attorney General.

In particular, the Special Prosecutor shall have full authority with respect to the above matters for:

Conducting proceedings before grand juries and any other investigations he deems necessary;

Reviewing all documentary evidence available from any source, as to which he shall have full access;

Determining whether or not to contest the assertion of "Executive privilege" or any other testimonial privilege;

Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, or for warrants, subpenas, or other court orders;

Deciding whether or not to prosecute any individual, firm, corporation, or group of individuals;

Initiating and conducting prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;

Coordinating and directing the activities of all Department of Justice personnel, including U.S. attorneys;

Dealing with and appearing before congressional committees having jurisdiction over any aspect of the above matters and determining what documents, information, and assistance shall be provided to such committees.

In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities. The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part.

Staff and resource support.—1. *Selection of staff.*—The Special Prosecutor shall have full authority to organize, select, and hire his own staff of attorneys, investigators, and supporting personnel, on a full- or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorneys General and other officers of the Department of Justice to assign such personnel and to provide such other assistance as he may reasonably require. All personnel in the Department of Justice, including U.S. attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. *Budget.*—The Special Prosecutor will be provided with such funds and facilities to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, and such requests shall receive the highest priority.

3. *Designation and responsibility.*—The personnel acting as the staff and assistants of the Special Prosecutor shall be known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

Continued responsibilities of Assistant Attorney General, Criminal Division.—Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

Applicable departmental policies.—Except as otherwise herein specified or as mutually agreed between the Special Prosecutor and the Attorney General, the Watergate Special Prosecution Force will be subject to the administrative regulations and policies of the Department of Justice.

Public reports.—The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall upon completion of his assignment submit a final report to the appropriate persons or entities of the Congress.

Duration of assignment.—The Special Prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself.

[FR Doc.73–11210 Filed 6–1–73;9:21 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Economic Development

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended by adding six new sections. The sections establish uniform Office of Legal Services policy governing the types and limits of legal assistance that can be provided by Legal Services attorneys to groups whose purpose is self-help in the economic sphere. The sections are as follows:

Sec.
1061.9–1 Applicability.
1061.9–2 References.
1061.9–3 Purpose.
1061.9–4 Definitions.
1061.9–5 Policy.

AUTHORITY.—Secs. 222, 602, 78 Stat. 528, 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.9–1 Applicability.

All programs affording legal assistance which are funded under title II of the Economic Opportunity Act, as amended, if the assistance is administered by OEO.

§ 1061.9–2 References.

Economic Opportunity Act of 1964, as amended, section 222(a)(3); OEO Instruction 6140–02 (Guidelines for Legal Services Programs), 6140–3 (Group Representation), 6140–5 (Goals of the Legal Services Program), and 6803–5 (Use of Federal Funds for Union Activities) and the "Law Office Administrative Manual" of the Office of Legal Services, published by the National Clearinghouse for Legal Services.

§ 1061.9–3 Purpose.

The purpose of this subpart is to outline the conditions under which Legal Services projects may furnish assistance to individuals or to groups engaged in economic development. Those portions of the Office of Legal Services "Law Office Administration Manual" (sec. 5201 C and D) which relate to economic development are hereby rescinded, as are all

policy statements on economic development contained in evaluation handbooks, work statements, grant conditions, etc. Economic development will no longer be a separate goal of the Legal Services program.

§ 1061.9–4 Definitions.

For the purposes of this subpart, economic development: (a) Includes any activity carried on in the economic sphere (as distinguished from the social and political sphere) by an individual or group for the purpose of improving the material well-being of the individual or of the members of the group, but (b) excludes any union-related activities covered by the restrictions in OEO Instruction 6803–5, as well as such activities as consumer or tenant strikes, boycotts, demonstrations, etc. Typically, economic development consists of efforts to form and conduct business enterprises whether of the profit or nonprofit variety. Legal assistance in the area of economic development usually consists of advice, planning, and aiding in the preparation of incorporation papers.

§ 1061.9–5 Policy.

(a) Individuals or groups seeking economic development assistance from Legal Services projects must meet all the eligibility requirements listed in paragraph 5a of OEO Instruction 6140–3.

(b) Individuals and groups who are otherwise eligible and who have been awarded funds from local, State, or Federal governmental sources where such funds have been designated for use in profit or nonprofit business enterprises for the purpose of enabling said individuals to escape from poverty, shall be eligible for such legal assistance as will enable them to commence operations. Legal Services projects may provide further assistance for such enterprises during their formative stages but will encourage their clients to seek help from a private attorney or from other governmental agencies.

(c) In any event, Legal Services projects shall discontinue assistance at such time as the economic circumstances of the individual or group change sufficiently to disqualify the client if an application were then being made. It shall be the responsibility of the project to devise a system for regularly verifying the economic status of individuals or groups receiving assistance and for terminating such assistance in an orderly manner.

(d) Legal services will not be provided to any individual or group receiving economic development assistance when such legal services are sought for the furtherance of the political and/or legislative aims of the individual or group.

This subpart shall become effective on July 5, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73–11207 Filed 6–1–73;8:45 am].

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Educational and Public Relations Activities

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended by adding five new subparts. The subparts establish a uniform Office of Legal Services policy outlining the conditions under which Legal Service attorneys may (a) conduct legal education programs for clients and potential clients and (b) publicize the availability of legal assistance for the poor. The subparts are as follows:

Sec.
1061.10–1 Applicability.
1061.10–2 References.
1061.10–3 Purpose.
1061.10–4 Policy.

AUTHORITY.—Secs. 222, 602, 78 Stat. 528, 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.10–1 Applicability.

All programs affording legal assistance which are funded under title II of the Economic Opportunity Act, as amended, if assistance is administered by OEO.

§ 1061.10–2 References.

Economic Opportunity Act of 1964, as amended, section 222(a)(3); OEO Instruction 6140–2 (Goals of the Legal Services Program) and 6140–02 (Guidelines for Legal Services Programs); Canon 2 of the ABA's Code of Professional Responsibility, Informal Opinion 179 and 1234 of the ABA's Committee on Ethics and Professional Responsibility, and guidelines for permissible advertising an d"community education" activities issued in November 1972 by the Supreme Court of the State of Montana.

§ 1061.10–3 Purpose.

The purpose of this subpart is to provide guidance for Legal Services line projects and backup centers respecting the provision to indigent persons of "legal education," hitherto referred to informally in program documents as "community education." "Legal education" or sional Responsibility, Informal Opinion "community education" is no longer a separate goal of the Legal Services program but is subsumed under the single goal of quality services to individual clients or potential clients who meet the income eligibility criteria. Relevant portions of OEO instruction 6140–02 (pp. 24–25, Guidelines for Legal Services Programs) and all other statements of general policy on the subject of "legal education" or "community education" found in internal memoranda, grant conditions, work statements and evaluation handbooks are hereby rescinded.

§ 1061.10–4 Policy.

All grantees/contractors funded in whole or in part through the Office of Legal Services will adhere to the following policies:

(a) The staffs of line projects and backup centers, and no others, may conduct, through publications and through participation in public meetings and private conferences, educational programs for the sole purpose of apprising eligible persons of their legal rights and obligations, and of the opportunities for legal assistance available to such persons through the Legal Services program. Particular emphasis should be placed on preventive education so that legal remedies, including litigation, sought after involvement will be the exception rather than the rule. Projects will include specific plans for preventive education activities in their requests for refunding.

NOTE.—In informal opinion 179, dated May 8, 1938, the ABA's Committee on Ethics and Professional Responsibility stated that: "• • • because of the trouble, disappointments, controversy and litigation it will prevent (preventive education), will enhance the public esteem of the legal profession (and) • • • will also improve the social order."

(b) Line attorneys and backup attorneys will insure that any legal education programs they conduct:

(1) Do not have as their purpose or probable result the instigation of litigation which is frivolous and without merit.

(2) Do not have as their purpose or probable result litigation which is brought merely to injure or harass other persons, groups, or institutions.

(3) Relate only to general legal problems and do not attempt to advise specific persons concerning individual legal problems in the absence of any attorney-client relationship.

NOTE.—To advise a person that he should take legal action is proper only when an attorney-client relationship has been established.

(4) Do not have as their purpose or probable result the organizing of groups for political action, lobbying, labor or antilabor activities, strikes, picketing, boycotts, demonstrations, etc.

(5) Do not, under guise of disseminating information, advocate political, or social causes or reforms allegedly designed to make the legal system more responsive to the needs of the poor.

NOTE.—It is the policy of the Office of Legal Services that all legal services line projects and backup centers conform to the requirements of section 501(c)(3) of the Internal Revenue Code.

(6) Are not for the purpose of locating potential clients who might be useful to an attorney in his efforts to raise certain issues before the courts.

NOTE.—In informal opinion 1234, dated July 19, 1972, the ABA's Committee on Ethics and Professional Responsibility, in response to the question "whether lawyers are permitted to decide in the abstract what legal propositions should be placed before the courts, and then seek out litigants who are willing to have these issues raised," declared that: "The legal aid lawyer who desires to raise certain issues in litigation but who is handling no litigation involving such issues

may not seek out indigents and request the indigents to, or advise the indigents to, become as clients, parties to such litigation."

(c) Educational activities of non-attorney personnel (including paralegal and outreach staff) assigned to legal services projects will be subject to the same restrictions as apply to such activities when conducted by attorneys.

(d) To increase awareness among the indigent not only of their legal rights and responsibilities but of the availability of assistance from neighborhood law offices, Legal Services projects may advertise the existence, location, telephone numbers, and services of its offices, using any recognized advertising medium: *Provided,*

(1) The materials used scrupulously avoid naming individual attorneys.

(2) The materials used are understandable to those to whom directed, and are accurate, practical, and not prepared in such a way as to arouse unrealistic expectations.

(3) The materials and presentation are dignified and professional in tone.

(4) The materials do not violate any of the restrictions listed in paragraph 4b, 1 through 6 above.

This subpart shall become effective on July 5, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73-11206 Filed 6-1-73;8:45 am]

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Attorney Performance Appraisal

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended by adding nine new subparts. The subparts establish a uniform Office of Legal Services policy for an annual evaluation (*a*) of all Legal Services project attorneys by the Project Director and (*b*) of the Project Director by the Project Board. The subparts are as follows:

Sec.
1061.11-1 Applicability.
1061.11-2 Purpose.
1061.11-3 Board of directors review.
1061.11-4 Attorney personnel file.
1061.11-5 National office file copy.
1061.11-6 Annual evaluation schedule.
1061.11-7 Attorney appraisal.
1061.11-8 Supply of forms.

AUTHORITY.—Secs. 222, 602, 78 Stat. 528, 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.11-1 Applicability.

All programs affording legal assistance which are funded under title II of the Economic Opportunity Act, as amended, if the assistance is administered by OEO.

§ 1061.11-2 Purpose.

In order to accomplish a regular evaluation of attorney staff in accordance with the requirements of section 901 of the EOA, as amended, an attorney performance appraisal shall be prepared at least once a year (*a*) for each project attorney by the Legal Services Project Director or his designee and (*b*) for each Legal Services Project Director by the governing Board of the project.

§ 1061.11-3 Board of Directors Review.

Attorney performance appraisals of staff attorneys other than the Project Director are subject to review and concurrence by the legal Services Project Board of Directors. Attorney performance appraisals shall be submitted for comment at the meeting of the Board following the attorney performance appraisal by the Project Director of his designee.

§ 1061.11-4 Attorney personnel file.

The performance appraisals of each attorney shall, for the duration of the attorney's employment by the project, be retained as a part of his personnel record, in the files of the Legal Services project. Performance appraisals will be made available, if requested, to monitoring and evaluation teams conducting on-site visits for the Office of Legal Services.

§ 1061.11-5 National office file copy.

One copy of the completed attorney performance appraisal shall be sent to the Office of Legal Services for the purposes of OEO Instruction 6900-02 whenever a request for a salary increase above $10,000 per annum is forwarded.

§ 1061.11-6 Annual evaluation schedule.

The attorney performance appraisal shall be conducted annually at least 90 days before the project year ends and in no event shall a Legal Services project be refunded without having conducted a complete annual attorney performance appraisal.

§ 1061.11-7 Attorney Appraisal.

There are six choices for each category of appraisal in parts I and II of the form. The categories are as follows: (*a*) Outstanding, (*b*) above average, (*c*) average, (*d*) below average, (*e*) unsatisfactory, (*f*) unobserved/not applicable. The standards against which the appraisals are to be made are the performance standards which would be considered appropriate for an attorney of the same experience, salary level, etc., as the attorney ranked.

§ 1061.11-8 Supply of forms.

OEO Form 464 may be obtained from the OEO Distribution Center.

This subpart shall become effective on July 5, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73-11208 Filed 6-1-73;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 180]

PLANT VARIETY PROTECTION

Limits of Reciprocity

Correction

In FR Doc. 73-10433 appearing at page 13751 of the issue for Friday, May 25, 1973, in the third line of the Statement of Considerations, "(7 U.S.C. 2043)" should read "(7 U.S.C. 2403)".

Food and Nutrition Service

[7 CFR Parts 210, 215, 220, 225]

NATIONAL SCHOOL LUNCH PROGRAM, SPECIAL MILK PROGRAM FOR CHILDREN, SCHOOL BREAKFAST PROGRAM, AND SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Proposed Definition of Milk

Notice is hereby given that the Food and Nutrition Service, U.S. Department of Agriculture, intends to amend the regulations governing the operation of the national school lunch program, special milk program for children, school breakfast program, and the special food service program for children for the purpose of authorizing a choice in the type of milk served under the child nutrition programs.

The Department believes that providing authority for local administering officials to offer a choice of the type of milk served in child nutrition programs is responsive to the increasing public concern over, and medical reports on, the effect of the consumption of fats on human health. A more basic advantage to be derived from the proposed change is increased flexibility in the meal service and the opportunity for local food service programs to offer meals which are aimed at local needs. Increased flexibility in the meal service should have the very positive advantage of increasing program participation.

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions, or objections must be delivered by July 5, 1973, to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than July 5, 1973. Communications should identify the section and paragraph on which comments, etc., are offered. All written submissions received pursuant to this notice will be made available for public inspection in the Office of the Director, Child Nutrition Division, during regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27 (b)).

The proposed amendments are as follows:

[Amdt. 12]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.2 paragraph (l) is revised to read as follows:

§ 210.2 Definitions.

* * * * *

(l) "Milk" means fluid types of unflavored whole milk or lowfat milk or skim milk or cultured buttermilk which meet State and local standards for such types of milk and flavored milk made from such types of milk which meet such standards; and, in those areas of Alaska, Guam, Hawaii, American Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of such types of milk cannot be obtained, shall include recombined or reconstituted whole milk, and, in those areas of Alaska, American Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of such types of milk or of recombined or reconstituted whole milk cannot be obtained, shall include reconstituted nonfat dry milk.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Services)

[Amdt. 8]

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

2. In § 215.2 paragraph (l) is revised to read as follows:

§ 215.2 Definitions.

* * * * *

(l) "Milk" means fluid types of unflavored whole milk or lowfat milk or skim milk or cultured buttermilk which meet State and local standards for such types of milk and flavored milk made from such types of milk which meet such standards; and, in those areas of Alaska, Guam, and Hawaii where a sufficient supply of such types of milk cannot be obtained, shall include recombined or reconstituted whole milk.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 10.556, National Archives Reference Services)

[Amdt. 15]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

3. In § 220.2 paragraph (j) is revised to read as follows:

§ 220.2 Definitions.

* * * * *

(j) "Milk" means fluid types of unflavored whole milk or lowfat milk or skim milk or cultured buttermilk which meet State and local standards for such types of milk and flavored milk made from such types of milk which meet such standards; and, in those areas of Alaska, Guam, Hawaii, American Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of such types of milk cannot be obtained, shall include recombined or reconstituted whole milk, and, in those areas of Alaska, American Samoa, Puerto Rico, and the Virgin Islands where a sufficient supply of such types of milk or of recombined or reconstituted whole milk cannot be obtained, shall include reconstituted nonfat dry milk.

* * * * *

§ 220.8 [Amended]

4. In § 220.8, the term, "fluid whole milk" in subparagraph (1) of paragraph (a) is deleted and the term "milk" is substituted therefor.

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services)

[Amdt. 7]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

5. In § 225.2, paragraph (k) is revised to read as follows:

§ 225.2 Definitions.

* * * * *

(k) "Milk" means fluid types of unflavored whole milk or lowfat milk or skim milk or cultured buttermilk which meet State and local standards for such types of milk and flavored milk made from such types of milk which meet such standards; and, in those areas of Alaska, Guam, Hawaii, American Samoa, Puerto Rico, the Trust Territory of the Pacific Islands, and the Virgin Islands where a sufficient supply of such types of milk cannot be obtained, shall include recombined or reconstituted whole milk, and, in those areas of Alaska, American Samoa, Puerto Rico, the Trust Territory

of the Pacific Islands, and the Virgin Islands where a sufficient supply of such types of milk or of recombined or reconstituted whole milk cannot be obtained, shall include reconstituted nonfat dry milk.

§ 225.9 [Amended]

6. In § 225.9, the term "fluid whole milk" in subdivision (i) of subparagraphs (1) and (2) of paragraph (b) is deleted and the term "milk" is substituted therefor.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services.)

CLAYTON YEUTTER,
Assistant Secretary.

MAY 30, 1973.

[FR Doc.73-10993 Filed 6-1-73;8:45 am]

DEPARTMENT OF COMMERCE

Patent Office

[37 CFR Part 1]

PROTESTS TO THE GRANT OF A PATENT

Notice of Proposed Rulemaking

Notice is hereby given that, pursuant to the authority contained in section 6 of the act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), as amended October 5, 1971, Public Law 92-132, 85 Stat. 364, the Patent Office proposes to amend title 37 of the Code of Federal Regulations by revising §§ 1.11(b) and 1.291.

All persons are invited to present their views, objections, recommendations, or suggestions in connection with the proposed changes to the Commissioner of Patents, Washington, D.C., 20231, on or before October 31, 1973, on which date a hearing will be held at 9:30 a.m. in room 11C24, building 3, 2021 Jefferson Davis Highway, Arlington, Va. All persons wishing to be heard orally at the hearing are requested to notify the Commissioner of Patents of their intended appearance. Any written comments or suggestions may be inspected by any person, upon written request, a reasonable time after the closing date for submitting comments.

The underlying purpose of the proposed rule change is to assure that the best art and information relevant to the patentability of an application for patent are brought to the Patent Office's attention. Under present procedures, ex parte examination of patent applications is conducted as thoroughly and in as effective a manner as possible. However, it is noted that a significant number of patents involved in litigation are held invalid because prior art or other information having a bearing on patentability, which was not known to the examiner during the prosecution of the case, is brought to the court's attention.

The proposed rule change is designed to elicit this additional prior art or other information. An applicant would be given the opportunity to open his application to public inspection prior to issuance of a patent. The public would then have the opportunity to bring to the attention of the Office information which bears on the question of patentability of the pending patent application. Presumably, interested and affected members of the public may be aware of relevant prior art which the Office did not find, or might know of other information unavailable to the Office, bearing on the question of patentability. If in the opinion of the Commissioner, consideration of such new evidence would lead to a more complete appraisal of patentability, the Commissioner may reopen prosecution of the application.

It is believed that there are several benefits which this proposed procedure would bring about. First, applicants would benefit from a more meaningful presumption of validity where a patent is issued after appropriate consideration of evidence submitted by the public under this procedure. Second, potential competitors of the applicant would benefit from having the opportunity to call to the attention of the Office information that could either prevent a patent from issuing or lead to claims of more restricted scope. And by use of the proposed procedure such determinations would be helpful in avoiding the more expensive conventional procedure following the issue of the patent, of litigating the questions of validity and scope of such patent on the same grounds at a later date. Finally, the public would benefit from the resultant strengthening of the presumption of validity of patents granted on applications which underwent this procedure and the strengthening of the patent system for its intended purposes.

Paragraph (b) of § 1.11 is proposed to be amended to allow the Patent Office to open the file of a pending patent application to the public in accordance with a written authorization from the applicant as specified in the proposed § 1.291 (b).

It is proposed to amend present § 1.291 by incorporating a new paragraph (a) which provides that protests filed by the public to the grant of a patent, including the identity of the protesting party, be made of record in the patent application concerned, if such application is identified by the protesting party. The proposed rule change would also afford the examiner an opportunity to ask the protesting party for submission of additional evidence bearing on the question of patentability. Any such evidence received would be forwarded to the applicant. Under § 1.291(a) the protesting party would not be permitted to inspect the application file.

In paragraphs (b), (c), and (d) of § 1.291, a new procedure is proposed whereby an applicant, whose application for patent has been indicated as being allowable by the examiner (form PO-327), may within 30 days of such indication authorize the Office to open his application to public inspection. The application would be available for inspection for a period of 3 months from the time a notice to that effect appeared in the Official Gazette. The notice would be in the form of a publication of data necessary to identify the application in question and would include a representative illustration of the invention, the most comprehensive claim, and a listing of references cited by the Patent Office. The applicant would be charged a fee of $25 to defray the printing cost of this notice in the Official Gazette.

On the basis of such notice, any person would be permitted access to the application in question and could obtain copies of any papers contained therein (see proposed amendment to § 1.11(b)).

If any person, after inspection of an application, is of the opinion that the relevant prior art of record is not complete, he can notify the Commissioner and the applicant in writing, of any grounds, including additional publications or patents, which he believes have a bearing on the patentability of any claim contained in such application, together with an explanation of the relevance of such publications or patents to the allowed claims. He would, in addition or alternatively, have the opportunity to comment on the manner in which the prior art of record was applied and raise any other matter which could affect the patentability of the claimed invention.

All evidence and comments received in this fashion, including the identity of the protesting party, would be made of record in the application after the time period for protest had elapsed. The protesting party would thereafter be privy to all further proceedings in the Patent Office insofar as they relate to the evidence he submitted. If, in the opinion of the Commissioner, such evidence constituted a prima facie showing of nonpatentability of the subject matter as claimed, or unenforceability of a patent if granted, prosecution of the application would be reopened.

As a result of any reexamination of the application, the applicant would be permitted to present amended or new claims which would be subject to a determination of patentability by a primary examiner. The protesting party who made evidence of nonpatentability available to the Patent Office would be informed of any action taken by the Office and given the opportunity to comment thereon.

In cases involving evidence of prior public use or sale of the invention, the procedure outlined in present § 1.292 would be utilized to provide the person presenting such evidence with an opportunity to be heard.

An adverse determination to the patentability of any claim may, of course, be appealed by the applicant to the Board of Appeals under § 1.191.

Applications considered under the above procedure and ultimately allowed after a decision by the Board of Appeals would not be reconsidered under this proposed procedure.

If, after the 3-month period from the date of publication, no evidence was received or if in the opinion of the Commissioner the evidence submitted does not bar the granting of a patent on rounds of patentability or enforceability,

a notice of allowance (form POL–85) would be transmitted in due course. This determination would be final and not subject to petition by the protesting party.

The text of the proposed amended sections is as follows:

§ 1.11 Files open to the public.

* * * * *

(b) Applications in which the Office has accepted a request filed under § 1.139, or received an authorization under § 1.291 (b), are open to inspection by the general public, and copies may be furnished upon paying the fee therefor.

§ 1.291 Protests to the grant of a patent.

(a) The patent statutes do not provide for protests to the grant of a patent as a matter of right on the part of the public. Where protests to the grant of a patent are filed with the Office, and the protesting party identifies the application, the protest papers will be referred to the examiner having charge of the application. In such case, the protest papers, including the identity of the protesting party, will be placed in the application file and a copy will be forwarded to the applicant. The examiner may request submission of further evidence from the protesting party, and any further evidence adduced will be made of record and also forwarded to the applicant. However, the protesting party will not be permitted to inspect the application file unless the Office has received an authorization under paragraph (b) of this section or § 1.14(a). Where the protesting party cannot identify the application, the protest will be acknowledged and referred to the examiner having charge of the subject matter involved for his information.

(b) Applications may be voluntarily opened to public inspection. Within 30 days from the mailing date of a notice of allowability from the examiner, an applicant may waive his right to have his pending application for patent kept in confidence (§ 1.14). Such waiver may be accomplished by filing in the Office a written authorization, signed by the applicant and assignee of record or by the attorney or agent of record, to open the complete application to inspection and protest by the general public to the granting thereof, together with a fee of $25.

(c) Upon receipt of an authorization under paragraph (b) of this section, the Office shall publish suitable notice of such fact in the Official Gazette together with a representative illustration of the invention, the most comprehensive claim, and a listing of references cited by the Patent Office. At anytime up to 3 months thereafter, any person may protest the grant of a patent by filing with the Commissioner and serving the applicant with publications, patents or any other information which might have a bearing on the patentability of any claims contained in the patent application or on the enforceability of any patent issuing on said application; said protest must include a memorandum explaining the relevance of the submitted evidence. All protest papers filed, together with the identity of the real party in interest originating the protest shall be made of record in the application after the time period for protest has elapsed. Examination of the application shall be reopened if, in the opinion of the Commissioner, it appears that any claim thereof may not be patentable or any patent granted on said application would be unenforceable in view of such evidence. In the event that examination is reopened, the protesting party shall be apprised of all further proceedings in the Patent Office insofar as they relate to or are concerned with the evidence submitted by the protesting party, and accorded the opportunity to comment thereon. All further papers received from the protestor will be made of record. If the examination of the application is not reopened, the protesting party shall be so apprised. A decision by the Commissioner not to reopen an application for examination after the close of the protest period, shall be final and not subject to petition by the protesting party. In cases involving evidence of public use or sale of the invention more than 1 year before the filing of the application, the procedure outlined in § 1.292 shall be followed.

(d) The transmittal of a formal notice of allowance shall be held in abeyance until the patentability of the claimed invention has been determined in light of such evidence. If no protest to patentability is submitted to the Commissioner within the time specified, or if he determines that no further examination is necessary, a notice of allowance shall be transmitted to the applicant, his attorney or his agent in due course. A copy of said notice of allowance will also be forwarded to the protesting party.

Dated May 15, 1973.

ROBERT GOTTSCHALK,
Commissioner of Patents.

Approved May 15, 1973:

Dr. BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.73–10995 Filed 6–1–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 233]

FACTORS SPECIFIC TO AFDC

Continued Absence of the Parent From the Home

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement the Supreme Court decision in *Carleson* v. *Remillard*, June 7, 1972, by providing that an otherwise eligible child may not be denied assistance solely because his parent is in military service.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before July 5, 1973. Comments received will be available for public inspection in room 5121 of the Department's offices at 301 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., area code 202–963–7361.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).)

Dated May 23, 1973.

FRANCIS D. DEGEORGE,
Acting Administrator, Social and Rehabilitation Service.

Approved May 30, 1973.

FRANK CARLUCCI,
Acting Secretary.

Section 233.90, part 233, chapter II, title 45 of the Code of Federal Regulations is amended by adding a new subparagraph (5) to paragraph (b) and by revising paragraph (c) (1) (iii) as follows:

§ 233.90 Factors specific to AFDC.

* * * * *

(b) *Condition for plan approval.*—(1) A child may not be denied AFDC either initially or subsequently "because of the conditions of the home in which the child resides", or because the home is considered "unsuitable", unless "provision is otherwise made pursuant to a State statute for adequate care and assistance with respect to such child". (Section 404 (b) of the Social Security Act.)

(2) [Reserved]

(3) [Reserved]

(4) [Reserved]

(5) An otherwise eligible child may not be denied AFDC solely because his parent is in the military service.

(c) *Federal financial participation.*—(1) * * *

* * * * *

(iii) *Continued absence of the parent from the home.*—Continued absence of the parent from the home constitutes the reason for deprivation of parental support or care when the parent is out of the home, the nature of the absence is such as either to interrupt or to terminate the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and the known or indefinite duration of the absence precludes counting on the parent's performance of his function in planning for the present support or care of the child. If these conditions exist, the parent may be absent for any reason, and he may have left only recently or some time previously. An otherwise eligible child may not be denied AFDC solely because his parent is in the military service.

[FR Doc.73–11047 Filed 6–1–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-CE-7]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending part 71 of the "Federal Aviation Regulations" so as to alter the transition area at North Platte, Nebr.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before July 5, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Since designation of controlled airspace, a new RNAV approach procedure has been established for Lee Bird Field, North Platte, Nebr. Accordingly, it is necessary to alter the transition area at North Platte to adequately protect aircraft executing this new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend part 71 of the "Federal Aviation Regulations" as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is amended to read:

NORTH PLATTE, NEBR.

That airspace extending upward from 700 ft above the surface within a 10-mile radius of Lee Bird Field (lat. 41°07'42" N., long. 101°41'47" W.); and within 2 miles each side of the North Platte VOR 209° radial, extending from the 10-mile-radius area to 8 miles southwest of the VOR; and within 5 miles each side of the 301° bearing from Lee Bird Field, extending from the 10-mile-radius area to 11.5 miles northwest of the airport, and that airspace extending upward from 1,200 ft above the surface within a 25-mile radius of the North Platte VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 17, 1973.

CHESTER W. WELLS,
Acting Director,
Central Region.

[FR Doc.73-11017 Filed 6-1-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-RM-1]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to part 71 of the "Federal Aviation Regulations" which would designate a transition area at Conrad, Mont.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colo. 80207. All communications received on or before June 26, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 East 25th Avenue, Aurora, Colo. 80010.

The State of Montana has installed a nondirectional radio beacon near Conrad, Mont., and has requested establishment of a public instrument approach procedure to serve the Conrad Airport. In order to provide controlled airspace for protection of aircraft executing these procedures, it is necessary to designate a transition area at Conrad, Mont.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (38 FR 435), add the following transition area.

CONRAD, MONT.

That airspace extending upward from 700 ft above the surface within a 9-mi radius of the Conrad Airport (lat. 48°10'10" N., long. 111°58'30" W.); within 3.5 mi each side of the 053° bearing from the Conrad RBN (lat. 48°11'12" N., long. 111°55'31" W.), extending from the 9-mile-radius area to 12 mi northeast of the RBN, and that airspace extending upward from 1,200 ft above the surface within 9.5 mi northwest and 4.5 mi southeast of the 053° bearing from the Conrad RBN extending from the RBN to 18.5 mi northeast of the RBN.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colo., on May 22, 1973.

I. H. HOOVER,
Acting Director,
Rocky Mountain Region.

[FR Doc.73-11018 Filed 6-1-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-31]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending part 71 of the "Federal Aviation Regulations" to alter the Ruston, La., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before July 5, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend part 71 of the "Federal Aviation Regulations" as hereinafter set forth.

In § 71.181 (38 FR 435), the Ruston, La., transition area is amended to read:

RUSTON, LA.

That airspace extending upward from 700 ft above the surface within a 5-mile radius of Ruston Municipal Airport (lat. 32°30'45" N., long. 92°37'45" W.), within 2 mi each side of the Monroe, La., VORTAC 278°T (272°M) radial extending from the 5-mile-radius area to 24 mi west of the VORTAC, and within 3.5 mi each side of the Ruston, La. VOR (lat. 32°27'54" N., long. 92°36'30" W.), 167°T (160°M) radial extending from the 5-mile-radius area to 11.5 mi south of the VOR.

The alteration of the transition area is necessary to provide controlled airspace down to 700 ft above the surface to encompass the instrument approach

procedure predicated on the new Ruston, La., TVOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on May 23, 1973.

R. V. REYNOLDS,
Acting Director,
Southwest Region.

[FR Doc.73-11019 Filed 6-1-73;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 399]

[Docket No. 25569; PSDR-34]

STATEMENTS OF GENERAL POLICY

Treatment of Depreciation of Wide-Bodied Aircraft for Rate Purposes

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to part 399 of the regulations, statements of general policy (14 CFR, pt. 399) to assign a common depreciation life to all wide-bodied aircraft for ratemaking purposes. The proposed amendment and a statement explaining its principal features are attached. The rules are proposed under the authority of sections 204 and 404 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 760; 49 U.S.C. 1324 and 1374.

Interested persons may participate in the proposed rulemaking through submission of 12 copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before July 10, 1973, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Civil Aeronautics Board, room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

Dated May 25, 1973.

[SEAL] PHYLLIS T. KAYLOR,[2]
Acting Secretary.

EXPLANATORY STATEMENT

In phase 1 of the domestic passenger fare investigation, docket 21866-1, the Board established, through addition of new § 399.42 to its statements of general policy (14 CFR, pt. 399), certain standards for the depreciation lives and residual values of aircraft flight equipment for ratemaking purposes.[1] Among other things, the Board adopted a 14-year service life for 4-engine wide-bodied aircraft (B-747) and a 16-year service life for 3-engine wide-bodied aircraft (DC-10 and L-1011), although in the rulemaking notice which instituted phase 1[2] it was proposed to establish a 16-year service life for each of such aircraft types.

The Boeing Co. (Boeing) has filed a petition for rulemaking seeking an amendment of § 399.42 so as to establish a common service life for all wide-bodied aircraft. In support of this request, Boeing argues, inter alia, (1) that the difference in service lives established by the Board, for ratemaking purposes, between the B-747 and the 3-engine wide-bodied equipment has formed the basis for "authoritative cost comparisons" by Boeing's competitors in their claim that cost per plane mile and per seat mile in light of the shorter service life which the Board has assigned it than to competitive wide-bodied aircraft; (2) that no sound basis exists for establishing a shorter service life for the B-747 than for other wide-bodied equipment, especially in light of the fact that the Board adopted a common depreciation life for all narrow-bodied turbofan and turbojet aircraft; (3) that nothing in the Board's own ratemaking policies, the practices of other regulatory agencies, or in accounting practice supports the Board's reliance on "versatility" in fixing the service life of aircraft; and (4) that in any event, the present rule has no basis in historical data, is contrary to the facts developed in phase 1, and is not supported by the airline industry's own depreciation accounting practices.

Upon consideration of the petition, we have decided to institute rulemaking proceedings with respect to Boeing's request. In PS-45, we determined that due to its larger capacity and higher initial acquisition cost, the 4-engine wide-bodied jet was somewhat less "versatile" than its 3-engined competitors and, therefore, that it should be assigned a commensurately shorter service life for ratemaking purposes. We now believe that this judgment warrants reconsideration. As traffic volume expands in domestic and international air transportation markets and route segments become more dense, the B-747 should enjoy ever increasing levels of industry demand, particularly in the low cost travel markets where its inherent economies can be realized to the fullest extent. This anticipated demand should prolong the useful life of the 4-engine wide-body to such an extent as to offset any lack of "versatility" it may ultimately have vis-a-vis its 3-engined counterparts in the used aircraft market, and it thus seems appropriate for the Board to propose a common service life for both wide-bodied aircraft types, as urged by Boeing.

We are proposing that the uniform service life should be 16 years, since we have no reason to doubt the correctness of our determination in PS-45 that this is the appropriate depreciation life standard for 3-engine wide-bodied aircraft; rather, the only question which has been raised is whether we correctly determined in PS-45 that the B-747 should be assigned a shorter service life. Accordingly, we have tentatively determined to modify the subject policy statement so as to eliminate the differentiation between the 2 types, and to establish the same 16-year service life for 4-engine wide-bodied aircraft as we have already established for 3-engine wide-bodied aircraft.[3] We note that although, as reflected in the attached appendix, the proposed service life is at the top of the range of the trunkline carriers' current depreciation practices with respect to their own wide-bodied equipment, as reported on form 41, it rather closely approximates the current average term of long-term leases covering such aircraft types.

It is proposed to amend part 399 of the "Statements of General Policy" (14 CFR, pt. 399) as follows:

Amend § 399.42, the section as amended to read as follows:

§ 399.42 Flight equipment depreciation and residual values.

For ratemaking purposes, it is the policy of the Board that flight equipment depreciation will be based on the conventional straight-line method of accrual, employing the service lives and residual values set forth below:

	Service life in years	Residual value as percent of cost
Turbofan equipment:		
4-engine	14	2
3-engine	14	2
2-engine	14	2
Turbojet equipment:		
4-engine	10	5
2-engine	10	5
Turboprop equipment:		
4-engine	12	5
2-engine	10	15
Wide-body equipment:		
4-engine	16	10
3-engine	16	10

[2] Minetti and Murphy, members, concurring and dissenting statement filed as part of the original document.

[1] PS-45, Apr. 9, 1971.

[2] PSDR-25, Aug. 6, 1970.

[3] This tentative determination is of course subject to whatever contrary showing may be made by persons responding to this notice. We will expect any such contrary showing to be based on specific factual data which can be used by the Board in establishing, as precisely as possible, the appropriate standard service life of wide-bodied aircraft, for ratemaking purposes.

WIDE-BODIED AIRCRAFT OWNED BY OR LEASED TO CARRIERS AS OF DECEMBER 31, 1972 SERVICE LIFE, RESIDUAL VALUE AND LEASING PERIODS

	Owned			Leased		
	Number of aircraft	Service life in years	Residual value (percent)	Number of aircraft	Period of lease in years	Purchase option [1]
B-747:						
American	9	14	15.0	7	18	Y
Braniff				1	16	Y
Continental	4	14	15.0			
Delta	5	10	10.0			
National	2	12	15.0			
Northwest	15	15	10.0			
Pan American	18	16	8.0	12	16	N
Trans World	9	15	11.0	10	14-15	Y
United	9	14-16	1.0	5	15	Y
DC-10-10:						
American	19	14	15.0	6	18	Y
Continental	5	14	15.0			
Delta				3	NA	NA
National	9	14	10.0			
United	12	16	1.0	6	15	Y
DC-10-40:						
Northwest	2	15	10.0			
L-1011:						
Eastern	5	14	14.0	7	8-16	Y
Trans World	6	15	10.0			

Source: Schedules B-43, B-14, and B-7.

[1] (Y) yes or (N) no.

[FR Doc.73-10974 Filed 6-1-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MEDFORD DISTRICT ADVISORY BOARD

Notice of Meeting and Agenda

Notice is hereby given that the Bureau of Land Management Medford District Advisory Board will meet at 8 a.m. P.d.t. on June 20, 1973, at the Bureau of Land Management warehouse area located on Armory Drive, Medford, Oreg.

The agenda for the meeting is a field trip to observe lands acquired by the Bureau of Land Management along the Rogue River under the Wild and Scenic Rivers Act. No formal discussion is scheduled.

The meeting will be open to the public but they will be required to furnish their own transportation and lunches.

DONALD J. SCHOFIELD,
District Manager.

MAY 21, 1973.

[FR Doc.73-11023 Filed 6-1-73;8:45 am]

SIERRA NATIONAL FOREST, CALIF.

Partial Termination of Proposed Withdrawal and Reservation of Lands

MAY 25, 1973.

Notice of a U.S. Department of Agriculture application S 5132, for the withdrawal and reservation of national forest lands for recreational purposes was published in the FEDERAL REGISTER Document 72-12198 appearing on pages 15742 and 15743 of the issue for August 4, 1972. The Forest Service has cancelled its application insofar as it affects the following described land:

MOUNT DIABLO MERIDIAN

SIERRA NATIONAL FOREST, LOWER CHIQUITO RECREATION AREA

T. 6 S., R. 24 E.,
Sec. 7, S½SW¼SE¼SE¼.

The area described aggregates five acres in Mandera County, California.

Pursuant to the regulations contained in 43 CFR 2091.2-5(b), the land at 10 a.m. on July 5, 1953, will be relieved of the segregative effect of application S 5132.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73-11082 Filed 6-1-73;8:45 am]

National Park Service

[Order 1]

ADMINISTRATIVE ASSISTANT, BANDELIER NATIONAL MONUMENT

Delegation of Authority Regarding Purchasing Authority

SECTION 1. *Administrative assistant.*—The Administrative assistant may issue purchase orders not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478 dated Mar. 22, 1973), Southwest Region Order No. 5, 37 FR 7722.)

Dated April 30, 1973.

LINWOOD E. JACKSON,
Superintendent, Bandelier National Monument.

[FR Doc.73-11003 Filed 6-1-73;8:45 am]

[Order 2]

ADMINISTRATIVE CLERK, STONES RIVER NATIONAL BATTLEFIELD

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment, or Services

1. *Administrative clerk.*—Administrative clerk may issue purchase orders not in excess of $300 for supplies and equipment in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

2. Revocation. This order supersedes Order No. 1 issued February 28, 1964 (29 FR 2794).

(National Park Service Order No. 77 (38 FR 7478) Southeast Region Order No. 5 (37 FR 7721), as amended.)

JOHN D. HUNTER,
Superintendent, Stones River National Battlefield.

[FR Doc.73-11004 Filed 6-1-73;8:45 am]

[Order 5, Amdt. 2]

SUPERINTENDENTS ET AL., MIDWEST REGION

Delegation of Authority

Midwest Region Order No. 5, approved March 1, 1972, and published in the FEDERAL REGISTER of March 28, 1972, 37 FR 6324, is amended as follows:

Section 1 is hereby amended by adding paragraph (n) to read as follows:

(n) Authority to conduct archeological investigations and salvage activities.

Section 2 is hereby amended by adding paragraph (f) to read as follows:

(f) Chief Archeologist, Midwest Archeological Center. The Chief Archeologist, Midwest Archeological Center, may execute, approve, and administer contracts and issue purchase orders in amounts not to exceed $2,000 for equipment, supplies, and services, excluding archeological investigations and salvage activities, in conformity with applicable regulations and statutory authority, and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478) published Mar. 22, 1973.)

Dated May 3, 1973.

J. LEONARD VOLZ,
Director, Midwest Region.

[FR Doc.73-11002 Filed 6-1-73;8:45 am]

[Order 2]

ADMINISTRATIVE OFFICER, JOSHUA TREE NATIONAL MONUMENT

Delegation of Authority Regarding Execution of Purchase Orders for Supplies, Equipment, or Services

SECTION 1. *Administrative Officer.*—The Administrative Officer may issue purchase orders not in excess of $2,500 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

SEC. 2. *Revocation.*—This order supercedes order No. 1 dated May 24, 1963 (28 FR 6579).

(National Park Service Order No. 77 (38 FR 7478) dated Mar. 22, 1973; Western Region Order No. 7 (37 FR 6326) dated Mar. 28, 1972.)

Dated May 2, 1973.

PETER L. PARRY,
Superintendent, Joshua Tree National Monument.

[FR Doc. 11001 Filed 6-1-73;8:45 am]

Office of the Secretary

OCALA NATIONAL FOREST, FLA.

Suspension of Operations and Production on Oil and Gas Leases

Published in the FEDERAL REGISTER of July 15, 1971 (36 FR 13168), and June 27, 1972 (37 FR 12646), in accordance with the provisions of section 39 of the Mineral Leasing Act of 1920, as amended

(30 U.S.C. sec. 209) and 43 CFR 3103.3–8, were notices dated July 7, 1971, and June 21, 1972, respectively, signed by the Secretary of the Interior, directing "that all operations and production be suspended in the interest of conservation on all Federal oil and gas leases issued under the Mineral Leasing Act of 1920, as amended (30 U.S.C. secs. 181–263), or the Mineral Leasing Act for Acquired Lands (30 U.S.C. secs. 351–359) and lying, in whole or in part, within the outer boundaries of the Ocala National Forest, Fla."

"In accordance with the provisions of section 39, supra, and 43 CFR 3103.3–8, no payment of rental will be required during the period of suspension and the term of each lease subject to this order will be extended by a period equal to the period during which the suspension is in effect."

The suspensions began July 7, 1971, and terminate at midnight July 6, 1973. The July 6, 1973, termination date specified in the June 21, 1972, notice is hereby changed to July 6, 1974.

JOHN C. WHITAKER,
Under Secretary of the Interior.

MAY 23, 1973.

[FR Doc.73–11024 Filed 6–1–73;8:45 am]

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

MINNESOTA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service; U.S. Department of Agriculture, has prepared a final environmental statement for the Knife Lake Improvement R.C. & D. Measure, Kanabec County, Minn.; USDA–SCS–ES–RD–(ADM)–73–1(F).

The environmental statement concerns a measure plan for watershed protection, flood prevention, and recreation. The planned works of improvement include conservation land treatment throughout the watershed within Kanabec County, supplemented by one multiple-purpose structure for flood prevention, public recreation, and associated recreation facilities.

The final environmental statement was transmitted to the Council on Environmental Quality (CEQ) on May 24, 1973.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Washington, D.C. 20250.
Soil Conservation Service, USDA, 200 Federal Building and U.S. Courthouse, 316 North Robert Street, St. Paul, Minn. 55101.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please order by name and number of statement. The estimated cost is $3 each.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

(Catalog of Federal domestic assistance program No. 10.901, National Archives Reference Services.)

Dated May 22, 1973.

WILLIAM B. DAVEY,
Acting Administrator,
Soil Conservation Service.

[FR Doc.73–10992 Filed 6–1–73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

AMERICAN TRADING TRANSPORTATION CO., INC.

Notice of Filing Application for Construction-Differential Subsidy

Notice is hereby given pursuant to title V of the Merchant Marine Act, 1936, as amended, that American Trading Transportation Co., Inc., filed an application on May 30, 1973, for a construction-differential subsidy to aid in the construction of four new ore/bulk/oil vessels of approximately 80,000 tons dwt for use in the foreign commerce of the United States.

Interested parties may inspect this application in the office of the Secretary, room 3099–B, Maritime Administration, Commerce Department Building, 14th and E Streets NW., Washington, D.C. 20035.

Dated: May 31, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73–11199 Filed 6–1–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), that the next meeting of the Advisory Council on Developing Institutions will be held on June 18 and 19 at 8:30 a.m. to 4:30 p.m. in room 1134 at the Office of Education, 400 Maryland Avenue SW., Washington, D.C.

The Advisory Council on Developing Institutions was established by title III of the Higher Education Act of 1965 as amended. The Council is governed by the provisions of part D of the General Education Provisions Act and of the Federal Advisory Committee Act (Public Law 92–463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that title.

The meeting of the Council shall be open to the public. The proposed agenda includes orientation of the Council, review of draft regulations and election of a chairman. Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Deputy Commissioner of Higher Education located in room 4025, 400 Maryland Avenue SW.

Signed at Washington, D.C., on May 30, 1973.

PETER P. MUIRHEAD,
Deputy Commissioner for Higher Education.

[FR Doc.73–11028 Filed 6–1–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

ADVISORY COMMITTEE FOR RADIATION BIOLOGY ASPECTS OF THE SST

Notice of Meeting

Pursuant to section 10(a)(2) of Public Law 92–463, notice is hereby given that the FAA Advisory Committee for Radiation Biology Aspects of the SST will hold a meeting at 9 a.m. c.s.t., June 14–15, 1973, in room 271, Civil Aeromedical Institute (CAMI), 6400 South MacArthur Boulevard, Oklahoma City, Okla. The following agenda items are scheduled for this meeting:

1. *Briefing*—

a. Status report on experiments performed with the Brookhaven radiation measurement device in calendar year 1972.

b. Status report on work performed under contract FA–SS–71–10; Measurements of the galactic radiation level at conventional jet altitudes and low geomagnetic latitudes.

c. Status report on contract FA–72–WAI–320; rapid warnings of solar flare radiation hazards to aircraft.

2. *Discussion*—Comments by the panel members on the draft of the Committee's final report on the high altitude radiation environment study. All those interested in attending the meeting should contact Dr. S. J. Gerathewohl, Chief, Research Planning Branch, Office of Aviation Medicine, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202–426–3433. The meeting will be open to the public.

Issued in Washington, D.C. on May 22, 1973.

S. J. GERATHEWOHL, Ph. D.,
Executive Director, Advisory Committee for Radiation, Biology Aspects of the SST.

[FR Doc.73–11008 Filed 6–1–73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-245, 50-336]

MILLSTONE POINT CO.

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in appendix D to 10 CFR, part 50, notice is hereby given that the final environmental statement prepared by the Commission's Directorate of Licensing, related to the proposed Millstone Nuclear Power Station, unit 2, which is currently under construction and unit 1 which is now operating by the Millstone Point Co. near the town of Waterford, Conn., township of Waterford, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. The final environmental statement is also being made available at the Office of State Planning, Department of Finance and Control, 340 Capitol Avenue, Hartford, Conn., and at the Southeastern Connecticut Regional Planning Agency, 139 Boswell Avenue, Norwich, Conn. 06360.

The notice of availability of the draft environmental statement for the Millstone Nuclear Power Station Units 1 and 2 and requests for comments from interested persons was published in the FEDERAL REGISTER on December 30, 1972, 37 FR 28917. The comments received from Federal, State, local, and interested members of the public have been included as appendices to the final environmental statement.

Single copies of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 29th day of May 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Directorate of Licensing.

[FR Doc.73-10967 Filed 6-1-73;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued regulatory guide 5.6, "Standard Methods for Chemical, Mass Spectrometric, and Spectrochemical Analysis of Nuclear-Grade Plutonium Dioxide Powders and Pellets and Nuclear-Grade Mixed Oxides ([U, Pu]O_2)." The regulatory guide series has been developed to describe and to make available to the public methods acceptable to the AEC regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guide is in division 5, "Materials and Plant Protection Guides," and identifies acceptable methods for chemical, isotopic, and impurity analysis which an applicant may specify as part of his procedures for accounting for special nuclear material.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other division 5 regulatory guides currently being developed include the following:

Nuclear material control systems and procedures for conversion facilities.
Conduct of nuclear material inventories.
Personnel access control.
Training and equipping of guards and watchman.
Specification for Ge(Li) detection and data acquisition systems for material protection measurements.
Safe secure vehicles.
General design considerations for minimizing residual holdup of SNM in fluidized bed operations.
Quality assurance program for materials accounting measurements at a chemical reprocessing plant.
Selection and use of pressure-sensitive seals on containers for temporary storage of SNM.
Segregation, compositing, and packaging of SNM bearing scrap and waste for nondestructure assay.
Measurement of plutonium nitrate.
Calibration techniques for nuclear calorimetry.
Mass and scales calibration.

(5 U.S.C. 552(a).)

Dated at Bethesda, Md., this 29th day of May 1973.

For the U.S. Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.73-11050 Filed 6-1-73;8:45 am]

[Dockets Nos. 50-416; 50-417]

MISSISSIPPI POWER & LIGHT CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

In the matter of Grand Gulf Nuclear Station, Units 1 and 2.

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman.
Michael C. Farrar, member.
Dr. Lawrence R. Quarles, member.

Dated May 29, 1973.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.73-10934 Filed 6-1-73;8:45 am]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC & GAS CO.

Notice of Issuance of Amendment to Construction Permit

Notice is hereby given that, pursuant to a decision by the Atomic Safety and Licensing Appeal Board dated April 13, 1973, the Deputy Director for Reactor Projects, Directorate of Licensing, has issued amendment No. 1 to construction permit No. CPPR-94 to the South Carolina Electric & Gas Co. for the Virgil C. Summer Nuclear Station, unit 1. This amendment deletes condition 2.E.5 which required South Carolina Electric & Gas Co. to establish a radiation monitoring program (during facility operation) to assure that the dosage to the thyroid organ of a child through the pasture-cow-milk pathway not exceed a designated value. The radiation monitoring program will be reviewed prior to the issuance of an operating license. This amendment does not involve any radiological health and safety matters which were not considered by the the Atomic Safety and Licensing Board during the course of the evidentiary hearing on the construction permit application.

A copy of the Appeal Board's decision and amendment No. 1 to construction permit No. CPPR-94 are on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Fairfield County Library, Vanderhorst Street, Winnsboro, S.C. Copies of amendment No. 1 to construction permit no. CPPR-94 may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 29th day of May 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-11051 Filed 6-1-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25237; Order 73-5-113]

ESTABLISHMENT OF SERVICE MAIL RATES FOR SPACE AVAILABLE MAIL

Order of Investigation and Order To Show Cause

Adopted by the Civil Aeronautics Boad at its office in Washington, D.C., on the 23d day of May 1973.

By this order the Board is reopening as of May 26, 1973, the existing final service mail rate [1] and instituting an investigation to determine and fix the fair and reasonable final service rates for the transportation of space available mail (SAM) under the authority of sections 3401 (b) and (c) of title 39 of the United States Code; [2] and is directing the parties to show cause why the Board should not establish 14.903 cents per revenue ton-mile [3] as a fair and reasonable temporary rate of compensation for the air transportation of such space available mail, the facilities used and useful thereof, and the services connected therewith pending completion of the investigation.

On March 8, 1973, Pan American World Airways, Inc. (Pan Am), filed a petition requesting an investigation be instituted to fix and determine a fair and reasonable rate for the transportation of SAM mail; that the rate be fixed for effectiveness on and after March 8, 1973, or the date an investigation is instituted to cover all carriers presently subject to SAM service mail rate orders [4] and, that the final SAM rate be set at 14.903 cents per revenue ton-mile, equivalent to the minimum rate recently established by ER–786, December 29, 1972, for category A cargo MAC services. The principal thrust given in support of Pan Am's request goes to the history of SAM ratemaking which has consistently treated SAM traffic as being similar to category A cargo traffic and determined SAM rates to be fixed at the minimum category A cargo rate level.[4] Pan Am further contends that the similarities of these classes of traffic, noted by the Board in its past decisions, continues to prevail and that the SAM rate should be increased to the current category A cargo rate level.[5]

A motion to dismiss Pan Am's petition was filed by the Postmaster General (PMG) on March 16, 1973, based on the following points: (1) No economic justification was provided as required by the Board's procedural § 302.303(a); (2) SAM has a space-available limitation while category A cargo does not; (3) the aircraft carrying SAM mail also transports airmail and military ordinary mail (MOM) traffic, and therefore the rates for all classes of mail,[6] taken together, should cover the cost of transporting mail; and, (4) the petition fails to specify the rate Pan Am believes is fair and reasonable as required by section 406(e) of the Federal Aviation Act of 1958 and § 302.303(a).

We have carefully reviewed Pam Am's petition, in the context of the PMG motion and Pan Am's answer,[7] and conclude that the petition adequately meets the standards of section 406 of the act and § 302.303(a) of the Board's procedural regulations. Accordingly, we will deny the motion to dismiss and accept the petition.

The Department of Defense (DOD) filed on March 26, 1973, a petition for leave to intervene and acceptance of its answer in support of the PMG motion to dismiss, which will be granted.

Timely answers in support of Pan Am's petition were filed by American Airlines, Inc., Seaboard World Airlines, Inc., The Flying Tiger Line, Inc., and Trans World Airlines, Inc. Northwest Airlines, Inc.'s, request for the Board's acceptance of its late answer in support of Pan Am's petition will also be granted.

In his answer to Pan Am's petition, filed March 28, 1973, the PMG takes added exception to fixing SAM rates on the basis of findings for category A cargo rates. He alleges that the category A cargo rates are simply based on category B one-way cargo charter rates and the costing and allocation techniques used in the determination of minimum MAC rates do not bear the remotest resemblance to the detailed costing methods employed in service mail rate proceedings. Furthermore, the PMG insists that the Board must base its findings for SAM service mail rates on an investigation to determine the costs of transporting SAM traffic and that such determination must be expanded to cover the air mail and MOM service mail rates since any review of the cost-revenue relationship would be inappropriate unless the costs and revenues for all categories of mail service are reviewed.

Based on the pleadings, we have decided to institute this investigation and include all carriers of SAM traffic, the PMG, and the DOD as parties thereto.

As to the point raised by the PMG concerning the scope of the investigation, the PMG does not request reopening rates for the transportation of MOM and other mail but merely states his view that the Board should determine rates for all classes of mail in one proceeding. We do not agree with the position of the PMG. Moreover, expansion of this proceeding to include a review of the rates for MOM and other mail would raise more complex issues and entail considerably more time to complete the investigation. Therefore, absent a showing that a review of such rates is warranted, we are limiting this investigation to the determination and fixing of fair and reasonable final service rates for the transportation of SAM mail.

Even with limitation of the investigation to the SAM service mail rates, we anticipate that processing of this case will involve an extended time period. This raises another very important consideration, the reasonableness of the current SAM service mail rates pending final decision. During the past 5 years, since establishment of the current SAM service mail rate, there have been increases in rates for all other classes of traffic relative to the carriers' rising operating costs per ton-mile. While we are not proposing that the final SAM rates be established on the basis of category A cargo rates, we do believe that there continue to be strong similarities between these two classes of traffic. In addition, the present category A cargo rate does offer an acceptable tentative guideline as to the estimated cost level for SAM services. Despite the PMG contentions to the contrary, the increases of approximately 30 percent in the minimum category A cargo rates equated to the 1-way category B charter rates were based on a detailed review of related costs and economic factors within a contested proceeding. In our opinion, it could be an undue and potentially injurious financial burden on the carriers to perform SAM mail transportation, pending completion of this case at the current rate level, in view of increasing cost trends.

Therefore, we propose to establish temporary SAM service mail rates at the current 14.903 cents [8] per ton-mile rate level found reasonable for category A services, to be effective on and after the date of institution of the instant investigation and subject to retroactive adjustment upon the fixing of final SAM service mail rates in this proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, particularly sections 102, 204, and 406, thereof:

It is ordered, That:

1. All interested persons, and particularly the parties to the investigation ordered below, are directed to show cause why the Board should not establish on and after May 26, 1973, the fair and reasonable temporary service mail rates, as set forth in the appendix attached below, to be paid for the transportation by aircraft, the facilities used and useful therefor, and the service connected therewith, for the carriage of space available mail under the authority of sections 3401(b) and 3401(c) of title 39 of the United States Code. The mail ton-miles used in computing the temporary service mail payments at the foregoing rates shall be based upon the nonstop great-circle mileage between the points of origin and destination of each shipment: *Provided, however,* That for mail shipments moving between the Atlantic and Pacific rate areas which transit the carrier's certificate junction point, the applicable per mail ton-mile rate as set forth in this paragraph, above, and the

[1] Established by order E–25654, Sept. 8, 1967, as amended (order E–26713, Apr. 25, 1968). See also orders 69–12–108, Dec. 24, 1969; 72–2–22, Feb. 7, 1972; and 72–10–38, Oct. 10, 1972.

[2] 84 Stat. 719.

[3] Adjusted by geographic areas, as set out in the appendix, for the use of great-circle mileages per order 73–4–16, Apr. 3, 1973.

[4] Order E–23422, Mar. 28, 1966, and order E–25485, Aug. 2, 1967.

[5] The carrier also requests that the rate of 14.903 cents per ton-mile be adjusted for any change from standard to nonstop great-circle mileages as proposed in order 72–3–7 should it be finalized (this was finalized by order 73–4–16, Apr. 3, 1973) and for any increase in category A cargo rates resulting from joint carrier petition filed Feb. 23, 1973, with respect to ER–186.

[6] SAM, MOM, and airmail are classes of U.S. mail transported internationally by U.S. carriers.

[7] Filed Mar. 26, 1973.

[8] Adjusted by geographic area as indicated in the attached appendix.

nonstop great-circle miles to be recognized for each of the rate areas, shall be determined by considering the carrier's certificate junction point to be a "point of destination" for mail shipments on the flights destined beyond the junction point, and to be a "point of origin" for the subsequent movement of such mail shipments beyond such junction point, whether or not the flight actually stops at the aforesaid junction point; the total temporary mail compensation payable in such instances shall be the sum of the compensation computed for each geographic rate area. The nonstop great-circle mileages shall be the mileages computed in accordance with the formula set forth in the notice to users of CAB official mileages issued May 21, 1970 (35 FR 8249).

2. Further procedures herein shall be in accordance with 14 CFR, part 302, and, if there is any objection to the temporary rates or to the related findings and conclusions proposed herein, notice thereof shall be filed within 8 days after the date of service of this order, and, if notice is filed, written answer and supporting documents shall be filed within 15 days after date of service of this order.

3. If notice of objection is not filed within 8 days or if notice is filed and answer is not filed within 15 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix the temporary rates specified herein.

It is further ordered, That:

1. An investigation be, and it hereby is, instituted to determine and prescribe the final service mail rates for the transportation of space available mail under the authority of sections 3401(b) and 3401(c) of title 39 of the United States Code on and after May 26, 1973.[9]

2. Except to the extent granted herein, the petition of Pan American World Airways, Inc., in docket 25297 is dismissed.

3. The motion by the Postmaster General, filed on March 16, 1973, to dismiss Pan American World Airways, Inc.'s, petition is denied.

4. The petitions filed by the Department of Defense for leave to intervene and acceptance of its answer and by Northwest Airlines, Inc., for acceptance of its late answer are granted.

5. Airlift International, Inc., Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line, Inc., Hughes Air Corp., doing business as Hughes Airwest, Mackey International, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., the Postmaster General, and the Department of Defense are hereby made parties to this investigation.

6. The investigation ordered herein be assigned for hearing before an administrative law judge of the Board at a time and place hereafter to be designated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX

PROPOSED TEMPORARY SPACE AVAILABLE MAIL SERVICE RATE PER NONSTOP GREAT CIRCLE TON-MILE FOR ATLANTIC, PACIFIC AND LATIN AMERICAN AREAS EFFECTIVE ON AND AFTER MAY 26, 1973

Geographic rate areas [1]	Current final service mail rate [2]	Proposed temporary service mail rate [3]
	Cents	
1. ATLANTIC RATE AREA		
(a) United States—Europe/Mediterranean	11.45	14.068
(b) United States—Africa	11.83	15.405
(c) United States—Middle East	11.89	15.544
2. LATIN AMERICAN RATE AREA		
(a) United States—South America	11.62	15.191
(b) United States—Central America	12.13	15.857
(c) United States—Caribbean	11.47	14.995
3. PACIFIC RATE AREA		
(a) United States—Orient	12.31	16.093
(b) United States—South Pacific	11.98	15.661
(c) United States—Southeast Asia	13.35	17.452

[1] As defined in Appendixes A, B, C, and D, page 2, in order 73-4-16.
[2] As set out in Appendix D, page 1, of order 73-4-16, which is based on a rate per standard ton-mile of 11.4 cents.
[3] Computed at 130.728 percent of the current final service mail rate (14.903÷11.4).

[FR Doc.73-10977 Filed 6-1-73;8:45 am]

[Dockets Nos. 23333, etc.; Order 73-5-119]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Denying Stay Regarding North Atlantic Passenger Fares, Cargo Rates, and Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1973.

There is pending before the Board a motion seeking a stay of order 73-4-64 dated April 13, 1973, filed by K. G. J. Pillai, Brant S. Goldwyn, and Aviation Consumer Action Project.[1] The order in question approved various IATA agreements providing for the maintenance of the existing North Atlantic passenger fare structure for the remainder of 1973, subject to a 6 percent upward adjustment to reflect realinement of currencies stemming from the recent devaluation of the U.S. dollar. The grounds alleged in support of the stay request[2] are essentially that the order was accompanied by procedural irregularities, was unsupported by adequate findings and evidence, and that the continued effectiveness of the Board's order would cause irreparable pecuniary damage to the traveling public. We find that these contentions are without merit, that the approval of the agreements was required by the public interest, and that ACAP's motion should accordingly be denied.

In order 73-4-64 the Board found that the greater public interest lies in the maintenance of the existing fare structure during the limited period of effectiveness of the agreement. Our reasons are set forth in detail in that order and nothing in the motion persuades us that we erred in that finding.

It is true that the 6-percent increase currency devaluation adjustment will involve some increase in revenues to the U.S. carriers in excess of the losses from devaluation. On the other hand, the Board also must take into account the impact of the devaluation on foreign air carriers. As indicated in the attached appendix below, most of the foreign carriers will suffer losses from currency devaluation even after offsetting the revenue gain from the 6-percent incease. Under these circumstances we cannot find that the 6-percent increase is unreasonable.

Moreover, the 6-percent increase was submitted as an integral part of the agreements. Considering this fact, as well as the current conditions in the industry, we are unable to conclude that the fact that the 6-percent increase somewhat exceeds the U.S. carriers' losses related to currency devaluation renders the agreements adverse to the public interest.[3]

Accordingly, it is ordered, That:

The motion of K. G. J. Pillai, Brant S. Goodwyn, and Aviation Consumer Action Project to stay the effectiveness of order 73-4-64, and for other relief, is hereby denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[9] This order is not intended to disturb the other service mail rates established, or to be established, under separate orders of the Board.

[1] The request itself is made in connection with a related petition for review filed by ACAP with the Court of Appeals for the D.C. Circuit.

[2] In the alternative movants seek establishment of an accounting system to enable refunds to the public in the event of reversal of the Board's order.

[3] The conclusory allegations of procedural error are unsupported and without substance.

APPENDIX

ESTIMATED IMPACT ON U.S. OPERATIONS OF FOREIGN CARRIERS ASSOCIATED WITH DOLLAR DEVALUATION AND A 6 PERCENT INCREASE IN DOLLAR FARES

	France	Germany	Italy	Netherlands	Switzerland	United Kingdom
Number of U.S. citizens using Foreign-Flag scheduled services to/from the United States [1]	336,855	364,803	275,121	318,868	214,520	582,411
	Paris	*Frankfurt*	*Rome*	*Amsterdam*	*Zurich*	*London*
Nonstop miles from New York	3,628	3,851	4,280	3,639	3,926	3,456
Revenue passenger miles (million)	1222.1	1404.9	1177.5	1160.4	842.2	1978.3
Revenues ($ million) [2]	58.0	66.7	55.9	55.1	40.0	94.0
Expenses as a percent of revenues [3]	45.4	45.4	45.4	45.4	36.7	23.1
Expenses ($ million)	26.4	30.3	25.4	25.0	14.7	21.7
Profit ($ million) [4]	31.6	36.4	30.5	30.1	25.3	72.3
Profit in local currency (million) [5]						
Pre devaluation	158.3	114.7	18541.0	95.6	91.3	30.3
Post devaluation	138.9	100.0	17941.2	85.9	78.8	28.2
Net loss	19.4	14.7	599.8	9.7	12.5	2.1
Dollars required to offset net loss ($ million) [6]	4.4	5.4	1.0	3.4	4.0	5.4
Revenue gain from fare increase ($ million) [7]	3.5	4.0	3.4	3.3	2.4	5.6
Net gain (loss) ($ million)	(0.9)	(1.4)	2.4	(0.1)	(1.6)	0.2

[1] U.S. Department of Justice, Immigration and Naturalization Service.
[2] Revenue passenger miles times 4.75 c/mi which is average yield of U.S. carriers providing transatlantic service.
[3] Derived from U.S. Department of Commerce data, balance of payments division.
[4] Excess of revenues over expenses.
[5] Per the Wall Street Journal exchange rates as at Jan. 31, 1973 vs rates in effect as at May 18, 1973; France, 0.1996/0.2275; Germany, 0.3173/0.3640; Italy, 0.001645/0.001700; Netherlands, 0.3150/0.3505; Switzerland, 0.2770/0.3211; United Kingdom, 2.3840/2.5625.
[6] Rates in effect as at May 18, 1973.
[7] Six percent of existing revenue.

[FR Doc.73-10976 Filed 6-1-73;8:45 am]

HAWAII FARES INVESTIGATION

[Docket No. 25474]

Notice of Postponement

For good cause shown by counsel for the Bureau of Economics in their letter dated May 29, 1973, all procedural dates (including the date for prehearing conference) set forth in the notice dated May 3, 1973, issued by the Chief Administrative Law Judge (38 FR 12151, May 9, 1973), are hereby postponed temporarily. Upon issuance of the Board's order on reconsideration of order 73-4-117, April 27, 1973, a notice establishing new procedural dates will be issued.

Dated at Washington, D.C., May 30, 1973.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc.73-11085 Filed 6-1-73;8:45 am]

LAKER AIRWAYS LTD.

[Docket No. 25063]

Notice of Postponement of Hearing Regarding Enforcement Proceeding

Notice is hereby given that the hearing in the above-entitled proceeding previously scheduled for June 5, 1973 (38 FR 13596), is hereby postponed until July 10, 1973, at 10 a.m. (local time), in room 1750, 26 Federal Plaza Building, New York, N.Y., before the undersigned administrative law judge.

Dated at Washington, D.C., May 30, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-11084 Filed 6-1-73;8:45 am]

STANLEY G. WILLIAMS/SOUTHERN AIR TRANSPORT, INC.

[Docket 25264]

Notice of Further Postponement of Hearing Regarding Acquisition of Control

Notice is hereby given that the hearing in the above-entitled proceeding has been further postponed from May 31, 1973 (38 FR 12774, May 15, 1973), to June 7, 1973, at 10 a.m. (local time) in room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., May 30, 1973.

[SEAL] MILTON H. SHAPIRO,
Administrative Law Judge.

[FR Doc.73-11086 Filed 6-1-73;8:45 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order 28]

DEPUTY ADMINISTRATOR, OFFICE OF PRICE MONITORING ET AL.

Delegations of Authority

Pursuant to the authority vested in me as Administrator, Office of Price Monitoring, by Cost of Living Council Order No. 25, it is hereby ordered as follows:

1. There is delegated to the Deputy Administrator, Office of Price Monitoring, authority to:

(a) Make decisions and issue orders with respect to individual requests for price adjustments;

(b) Make decisions and issue orders with respect to individual requests for volatile pricing authorization, treatment as low profit firms, or modification of term limit pricing authorizations;

(c) Make decisions and issue orders with respect to individual requests for reconsideration of denials and partial approvals of requests for price adjustments;

(d) Make decisions and issue orders with respect to individual requests for exceptions from the regulations and orders governing price matters;

(e) Consider and decide appeals from exception denials by the Internal Revenue Service with respect to price and rent matters;

(f) Monitor price and rent increases or adjustments put into effect before January 11, 1973; and notify persons of probable violations of the regulations and orders of the Cost of Living Council, issue remedial orders, monitor remedial activities, and approve compliance actions with respect thereto;

(g) Monitor price increases or adjustments put into effect after January 10, 1973, and make recommendations for appropriate remedial action to the Assistant Director, Compliance and Enforcement; and

(h) Request information and conduct hearings with respect to functions delegated in this paragraph.

2. There is delegated to each Division Director and each Deputy Director, Office of Price Monitoring, with respect to matters within the jurisdiction of their respective Divisions, authority to:

(a) Make decisions and issue orders with respect to individual requests for price adjustments which, if approved, would have a dollar impact of not more than $1 million;

(b) Suspend the effective date of any price adjustment whenever additional information is required of the person requesting the adjustment;

(c) Grant extensions of not more than 30 calendar days for filing required reports;

(d) Grant extensions of not more than 10 working days for meeting required performance dates in remedial orders and notices of probable violation;

(e) Approve compliance plans submitted in response to remedial orders issued by the Administrator, or Deputy Administrator, and terminate any price freeze and suspend any reporting requirements imposed thereby; and

(f) Request information and conduct hearings with respect to functions delegated to them by this paragraph.

3. There is delegated to the Director and the Deputy Director, Food Division, authority to make decisions and issue orders with respect to individual requests for food volatile pricing authorizations.

4. There is delegated to the Director and the Deputy Director, Health Division, authority to:

(a) Make decisions and issue orders with respect to individual requests for price adjustments from noninstitutional providers of health services; and

(b) Consider and decide appeals from exception denials by the Internal Revenue Service with respect to health and rent matters.

5. There is delegated to each Branch Chief, Office of Price Monitoring, with respect to matters within the jurisdiction of their respective Branches, authority to:

(a) Grant extensions of not more than 10 working days for filing required reports; and

(b) Review and accept reports required to be filed with the Cost of Living Council.

6. In exercising the authorities delegated by this order, officials of the Office of Price Monitoring shall be governed by the regulations and rulings of the Cost of Living Council and by the policies, procedures, and controls prescribed by the Director and Deputy Director of the Cost of Living Council and by the Administrator, Office of Price Monitoring.

7. This order is effective April 23, 1973.

DON I. WORTMAN,
Administrator, Office of Price Monitoring, Cost of Living Council.

[FR Doc.73-11204 Filed 5-31-73;4:31 pm]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Public Availability

Environmental impact statements received by the Council from May 14 through May 18, 1973.

NOTE: At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202-447-7803.

Draft

Wilson Creek Unit No. 9, Pisgah National Forest, N.C., Avery and Cadwell Counties, May 16: The statement refers to the proposed 10-year management of the Wilson Creek unit, Grandfather Ranger District, of the Pisgah National Forest. The unit contains 35,828 acres of National Forest land. The primary resource value in the unit is water quality. Management decisions will affect such resources as wildlife, water quality, soil, vegetative cover, aesthetics, roads, trails and recreation (83 pages). (ELR Order No. 00832) (NTIS Order No. EIS 73 0832D.)

Popo Agie Primitive Area, Shoshone National Forest, Wyo., Fremont and Sublette Counties, May 9: The proposal is that the Popo Agie Primitive Area and certain contiguous lands of the Shoshone National Forest be designated as wilderness and added as a unit to the National Wilderness Preservation System. The area contains 71,320 acres of land (15 pages). (ELR Order No. 00780) (NTIS Order No. EIS 73 0780D.)

Final

Blue Range Primitive Area, Apache National Forest, Greenlee County, Ariz., May 18: The statement refers to the proposed drilling of one or two 2,000- to 4,000-foot holes by the Morenci Division of the Phelps Dodge Corp., in order to determine if an ore body exists in the area. The project will adversely affect water quality and will leave an irreparable scar upon the landscape, with long-term impact and adverse environmental effect. Phelps Dodge has 92 mining claims in Blue Range, which is part of the Apache National Forest. The Primitive Area is presently being considered for inclusion in the National Wilderness System; the proposed project would create a situation which is in direct conflict with the basic philosophy of the wilderness (approximately 75 pages). Comments made by: USDA and EPA (ELR Order No. 00859.) (NTIS Order No. EIS 73 0859F.)

Pelican Butte Winter Sports Development, Klamath County, Oreg., May 14: The statement refers to a proposal to develop a major winter sports area on Pelican Butte within the Winema National Forest. The proposal is planned for a minimum development of 3,000 skiers and a maximum of 12,000 skiers. Clearing operations will affect soil, water, and esthetic resources. There will be an increase in the transient and permanent populations of the project area (60 pages). Comments made by: EPA, COE, DOC, HUD, DOI, State and local agencies. (ELR Order No. 00807.) (NTIS Order No. EIS 73 0807F.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202-973-5391. For regulatory matters: Mr. A. Giambusso, Deputy Director for reactor projects, Directorate of Licensing 202-973-7373, Washington, D.C. 20545.

The Council's last entry in the FEDERAL REGISTER mistakenly listed the statement "Guidelines for Design, Light Water-Cooled Reactors" as a final impact statement. That statement is still a draft.

Final

Shearon Harris Nuclear Power Plant, 4 units. Counties: Wake, Chatham, N.C., Mar. 17. The statement refers to the proposed granting of a construction permit to the Carolina Power & Light Co., for the 4 unit plant. Identical pressurized water reactors will be employed to produce totals of 11,000 MWt and 3,600 MWe (net). Cooling will be by a once-through flow from a man-made lake of 10,000 acres. (Because of temperature and stratification conditions the lake will be only marginally suitable for recreational purposes.) There exists a potentially excessive thyroid dose to those living on or near the site boundary due to iodine release from gaseous effluent. Redesign of the radiological waste system and modification of normal operating procedures will reduce the levels to acceptable limits. (159) Comments made by: USDA, COE, DOC, DOI, DOT, EPA, FPC, HEW, HUD (ELR Order No. 00843). (NTIS Order No. EIS 73 0843F).

Emergency Core Cooling Systems (ECCS). The statement refers to AEC's proposed rulemaking action on acceptance criteria for emergency core cooling systems in light-water-cooled nuclear power reactors. The action would provide general criteria and evaluation models that will be used by the AEC to evaluate the ability of the systems to control the consequences of loss-of-coolant accidents over the entire spectrum of postulated accident conditions. Alternatives considered include: adopting the Interim Criteria of June 29, 1972; adopting criteria which encompass modifications proposed in the ECCS rulemaking hearing initiated January 17, 1972; and not adopting criteria but rather evaluating each plant on an ad hoc case-by-case basis. Comments made by: USDA, HEW, DOI, EPA, FPC (ELR Order No. 00784) (NTIS Order No. EIS 73 0784F).

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202-967-4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Supplement

Sabine River Diversion, Calcasieu County, La., May 17. The document provides supplemental information to the final environmental impact statement filed July 12, 1972, for the diversion of Sabine River water to the Lake Charles Industrial Area (ELR Order No. 04874; NTIS Order No. EIS 72 4874-F). A special condition which was made a part of the EPA offer of grant has been amended. (44 pages). (ELR Order No. 00833.) (NTIS Order No. EIS 73 0833-F.)

Soul City New Community, Warren County, N.C., May 4. The document provides supplemental information to the final environmental impact statement filed by the Department of Housing and Urban Development, February 26, 1972, for the new community of Soul City. (ELR Order No. 1889; NTIS Order No. PB-203 773-F). It describes in more detail the environmental impact of the regional water system on the counties of Vance and Granville. (194 pages). (ELR Order No. 00759.) (NTIS Order No. EIS 73 0759-F.)

Rathbun Regional Water System, Iowa. Counties: several. May 17. The proposed project is the initial phase of construction of the four-county Rathbun Regional Water System, which will ultimately service Monroe, Appanoose, Wayne, and Lucas counties. The project provides for the construction of a 6 million gallon per day water treatment plant at Lake Rathbun, two 1 million gallon per day storage tanks and approximately 119 miles of water transmission lines. The project will stimulate economic activity by providing a dependable water supply to the Rathbun region. (65 pages.) (ELR Order No. 00834.) (NTIS Order No. EIS 73 0834-D.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, attention: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

Draft

Fly Creek, Baldwin County, Ala., May 7: The proposed project is the maintenance dredging of the Fly Creek navigation channel to its authorized dimensions. Increased turbidity and siltation will occur in the vicinity of the dredge intake and spoil discharge area. Adverse impacts include loss of vegetation and wildlife on four land disposal areas and one open water disposal area; loss of benthic habitat; and disruption of approximately 5 acres of channel bottom (Mobile District) (20 pages). (ELR Order No. 00773.) (NTIS Order No. EIS 73 0773-D.)

Meredosia Levee and Drainage District, Rock Island and Whiteside Counties, Ill., May 15: The proposed project involves local flood protection for Meredosia Levee and Drainage District located between miles 510.7 and 512.1 of the Mississippi River. Approximately 10,400 acres of agricultural land and 85 farmsteads will be protected from Mississippi River floods to a 100-year frequency by raising existing State Highway No. 84 along its present alinement. Additional features include hydraulic borrow, borrow for topsoil, raising of four existing road ramps, drainage structures, and modifications to the pumping plant. Approximately 57.2 acres will be committed to the project (Rock Island) (20 pages). (ELR Order No. 00816.) (NTIS Order No. EIS 73 0816–D.)

Tombigbee River, East Fork, Itawamba County, Miss., May 9: The statement refers to the existing flood control project on the Tombigbee River in Itawamba County. Maintenance work consist of the removal of snags and drift jams along 53 miles of the Tombigbee River. Adverse impacts include increased turbidity and loss of and disruption of fish habitat (21 pages). (ELR Order No. 00781.) (NTIS Order No. EIS 73 0781–D.)

Draft

Portugues and Bucana Rivers, P.R., May 9: The project consists of rechanneling and enlarging the Portugues and Bucana Rivers through the city of Ponce; and constructing two multiple-purpose lakes for flood control, water supply, and recreation. The project will require 2,100 acres of land, inundate 742 acres and extend 28.3 miles. Relocations include 794 families, 42 commercial establishments, 2 schools, and 1 church. Major adverse impacts are: Loss of agricultural and timber land; loss of vegetation, fish and wildlife habitat; and disruption of the existing hydrological balance (49 pages). (ELR Order No. 00779.) (NTIS Order No. EIS 73 0779–D.)

Brazos River Basin, Tex., May 7: The project concerns the construction of three total impoundment dams and interconnecting pipelines to control major sources of salt pollution to the Brazos River and its tributaries. The project will affect 47 miles of streamflow and inundate 19,000 acres of land. Four families and 20 homesites will be relocated. Major adverse environmental impacts are: Loss of wildlife habitat over a 3,600-acre area, loss of agricultural land and flora, and relocation of county roads, powerlines, telephone lines, and pipelines (approximately 238 pages). (ELR Order No. 00777.) (NTIS Order No. EIS 73 0777–D.)

James River project, Va., May 7: The statement refers to the proposed maintenance dredging of the James River navigation channel to its authorized dimensions. The project extends from Hampton Roads to Richmond, a distance of 90.8 miles. Approximately 1.35 million cubic yards of spoil material will be removed. The action will remove or disturb benthic organisms such as oysters and clams, and may also disturb pelagic species through increased turbidity (Norfolk District) (50 pages). (ELR Order No. 00772.) (NTIS Order No. EIS 73 0772–D.)

Channel to Newport News, Newport News County, Va., May 9: The proposed project is the maintenance dredging of a channel that extends 4.8 miles to Newport News from Norfolk. The project will increase turbidity and cause the disruption of benthic organisms (13 pages). (ELR Order No. 00782.) (NTIS Order No. EIS 73 0782–D.)

Draft

Drainage Facilities, Pasco, Franklin County, Wash., May 9: The proposed project would consist of the installation of drainage facilities near the existing levee system adjacent to Lake Wallula. It will provide for a pumphouse with underground main wing drain and discharge line, with provision for future lateral drains. The project would be buried, draining 770 acres of land. Adverse esthetic land features would result (8 pages). (ELR Order No. 00783.) (NTIS Order No. EIS 73 0783–D.)

Final

Red River Waterway, May 11: The proposed project is a 294-mile long navigation project on the Red River, from the Mississippi River to Shreveport, La. States affected are Louisiana, Texas, Arkaknsas, and Oklahoma. Project measures include the 9-foot-deep, 200-foot-wide channel; five locks and dams; and related bank stabilization, along with channel realinement. Wildlife, fishery, and forest resources will be adversely affected (approximately 250 pages). Comments made by: USDA, DOC, DOI, DOT, EPA, HEW, HUD, and NASA. (ELR Order No. 00800.) (NTIS Order No. EIS 73 0300–F.)

Agana Small Boat Harbor, Guam, May 18: The statement refers to the proposed construction of a small boat harbor in Agana Bay, in order to meet both recreational and subsistence-type fishing needs. The project will include a reveted mole, two breakwaters, a wave absorber, and navigation channels. Construction of the project will result in adverse effects upon marine biota, the loss of 40 acres of reef-flat habitat, and possible conflicts of use among boaters, surfers, and fishermen (43 pages). Comments made by: DOC, DOI, DOT, EPA, USCG, USA, and USN. (ELR Order No. 00847.) (NTIS Order No. EIS 73 0847–F.)

500 kV transmission line, Delaware River, New Jersey and Delaware, May 4: The statement refers to an application by Delmarva Power & Light Co. to place a 500 kV aerial transmission line across the Delaware River between Deemers Beach, New Castle County, Del., and Kelly Point, Salem County, N.J. The line would consist of two anchor-shore towers, and five suspension towers, and would provide connection between proposed nuclear generating stations. Adverse impacts are increased water turbidity, and interference with migratory birds and water fowl of the Atlantic flyway (Philadelphia district) (approximately 300 pages). Comments made by: DOI, members of Congress, State, regional, local, and private agencies. (ELR Order No. 00758.) (NTIS Order No. EIS 73 0758–F.)

Ediz Hook beach erosion control, Clallam County, Wash., May 15: The proposed project involves new rock revetments and beach nourishment of about 10,000 feet of the seaward shore of Ediz Hook. Material for the revetment would come from existing quarries in the Puget Sound area; beach nourishment material would come from a source near Port Angeles. The project would provide protection for Port Angeles, a small boat basin, access to a Coast Guard station, and access to a day-use recreation area. Increased rockfish populations could displace or reduce other fishery resources (Seattle district) (58 pages). Comments made by: EPA, DOI, USCG, HEW, State and local agencies. (ELR Order No. 00821.) (NTIS Order No. EIS 73 0821–F.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, room 3630, Waterside Mall, Washington, D.C. 20460, 202–755–0940.

Draft

Safe Drinking Water Act of 1973, May 16: The proposed legislation would provide for a comprehensive drinking water program designed to improve the quality of existing drinking water supplies. Mandatory primary drinking water standards and recommended national secondary drinking water standards will be issued by the Environmental Protection Agency (4 pages). (ELR Order No. 00824.) (NTIS Order No. EIS 73 0824–D.)

Toxic Substances Control Act of 1973, May 16: The proposed legislation would authorize the Administrator of the Environmental Protection Agency to restrict or prohibit the use or distribution of a chemical substance if necessary to protect health and the environment. The bill would bring about a more careful evaluation of new chemicals prior to commercial distribution and provide EPA with authority to deal with substances which are now in the environment (4 pages). (ELR Order No. 00826.) (NTIS Order No. EIS 73 0826–D.)

The sediment control amendment, May 16: The proposed amendment to the Federal Water Pollution Control Act is intended to provide an additional legal basis for insuring that States adopt control measures with regard to sediment from construction activities. The amendment to section 303 would add an additional sanction which would be enforced through the permit provisions of title IV. (10 pages). (ELR Order No. 00827.) (NTIS Order No. EIS 73 0827–D.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use, Planning Division, Washington, D.C. 20410, 202–755–6186.

Final

Pauahi urban renewal project, Oahu County, Hawaii, May 18: The proposed action involves the modification of two blocks in the Chinatown area of downtown Honolulu. Of 358 dwelling units in the project area, 183 will be cleared and 175 will be rehabilitated. New construction will include two high-rise structures, parking and commercial structures, and low-rise multiple structures. Buildings of historical importance are among those to be rehabilitated (132 pages). Comments made by: AEC, DOI, DOT, and GSA. (ELR Order No. 00851.) (NTIS Order No. EIS 73 0851–F.)

Beckett new community, Gloucester County, N.J., May 15: The statement refers to a HUD offer of commitment for guarantee assistance in the amount of $35 million for the acquisition of land (6,100 acres) and the development, over a 20-year period, of a new community. Population of the new community, which is to be situated 18 miles south of central Philadelphia, is expected to be 60,000 by 1993. Of concern is the loss of agricultural land and the location of the community above a major aquifer (341 pages). Comments made by: HEW, FPC, AHP, USA, DOC, EPA, DOI, GSA, and DRBC. (ELR Order No. 00823.) (NTIS Order No. EIS 73 0823–F.)

Randolph urban renewal area, Virginia, May 11: The Randolph urban renewal project, which consists of 380 acres of urbanized/low- and moderate-income residential area in Richmond, is proposed to be a redevelopment and conservation area. Of the 2,173 residential buildings in the area, 1,117 structures (containing 1,613 dwelling units) will be cleared, along with 58 of the 117 nonresidential buildings. Rehabilitation will consist of the construction of 11,053 residential units, the relocation of residents within the redevelopment area, and increased air and noise pollution are adverse impacts of the project. The downtown expressway will produce a high concentration of air and noise pollution (120 pages). Comments made by: HEW, DOT, and EPA. (ELR Order No. 00806.) (NTIS Order No. EIS 73 0806–F.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, room 7260,

Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF OUTDOOR RECREATION

Draft

Nationwide Outdoor Recreation Plan, May 7: The proposed plan provides a framework within which Federal outdoor recreation and related programs will be developed and managed. The plan will commit the Federal Government to better utilize existing programs, to effect greater coordination, to encourage State, local, and private sector involvement, and to carry out recreation management functions compatible with other uses and the maintenance of environmental quality. No new programs are proposed. Adverse impacts will be administrative and/or financial in nature (50 pages). (ELR Order No. 00774.) (NTIS Order No. EIS 73 0774-D.)

Spirit Mountain Recreation Area, Minn., St. Louis County, May 4: The project is the proposed development of public outdoor recreational facilities in the city of Duluth. A 100-unit campground plus support facilities is proposed for funding with land and water conservation fund assistance. A ski facility, which will include nine ski runs, three lifts, a central recreation building, and support facilities and utility lines, is proposed with Economic Development Administration and Upper Great Lakes Regional Commission grants. The purpose of the project is to provide economic stimulation and recreational opportunities. Approximately 920 acres will be committed to the project (62 pages). (ELR Order No. 00770.) (NTIS Order No. EIS 73 0770-D.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Allegheny National Fish Hatchery, Pa., Warren County, May 15: The proposed project is the construction and operation of a national fish hatchery for the propagation of brook, brown, and rainbow trout and coho salmon. Hatchery effluent is expected to cause some organic enrichment of the Allegheny River and some odor in the vicinity of the effluent treatment facility. The silt load in the Allegheny River will be increased during construction (54 pages). (ELR Order No. 00810.) (NTIS Order No. EIS 73 0810-D.)

Featherstone National Wildlife Refuge, Prince William County, Va., May 15: The proposed project is the acquisition of 313 acres known as the Featherstone Marsh to be established as the Featherstone National Wildlife Refuge. Management on the refuge would be restricted to retaining the natural integrity of the marsh and upland areas. Principal adverse impact of the proposal would be removal of the land from potential private use and development (16 pages). (ELR Order No. 00815.) (NTIS Order No. EIS 73 0815-D.)

Final

Columbian White-tailed Deer, Oregon and Washington, several counties, May 15: The statement refers to the proposed acquisition of 5,230 acres of land in Clatsop County, Oreg., and Wahkiakum County, Wash., for designation as a Columbian White-tailed Deer National Wildlife Refuge. Other wildlife which are common to the area include whistling swans and Canada geese, mink and beaver, bald eagles and red-tailed hawks (77 pages). Comments made by: DOD, EPA, DOI, DOT, and USDA. (ELR Order No. 00814.) (NTIS Order No. EIS 73 0814-F).

NATIONAL PARK SERVICE

Final

Carlsbad Caverns National Park, N. Mex., May 15: The statement refers to the proposed designation of 29,890 acres as wilderness and another 320 acres as potential wilderness within the National Wilderness Preservation System. Concern is expressed over the extremely limited fuel and water supply in this fragile environment (89 pages). Comments made by: AHP, USDA, EPA, COE, and DOI. (ELR Order No. 00809.) (NTIS Order No. EIS 73 0809-F.)

Carlsbad Caverns National Park, N. Mex., pollution abatement, May 18: The statement considers the construction of a new sewage treatment system for the National Park. There will be some adverse visual impact and increases in air pollution levels (33 pages). Comments made by: DOI and EPA. (ELR Order No. 00854.) (NTIS Order No. EIS 73 0854-F.)

Badlands National Monument, S. Dak., May 15: The statement refers to the proposed designation of 58,924 acres as wilderness within the National Wilderness Preservation System; an additional 5,326 acres can be so designated once private lands, mineral, and grazing rights are acquired. The statement discusses ecological, recreational, scientific, and economic effect of the action (52 pages). Comments made by USDA, FPC, DOI, EPA, AHP. (ELR Order No. 00811.) (NTIS Order No. EIS 73 0811-F.)

Grand Teton National Park, Wyo., May 17: The statement proposes the designation of 115,807 acres as wilderness, and 20,850 acres as potential wilderness. Impacts discussed in the statement include those of cultural, social, and scientific natures. A conflict may result between the proposed wilderness area and the proposed expansion of the Jackson Hole Airport (49 pages). Comments made by DOC, DOI. (ELR Order No. 00842.) (NTIS Order No. EIS 73 0842-F.)

Yellowstone National Park, Wyo., May 17: The statement refers to the proposed designation of 2,016,181 acres of the park as wilderness. Impacts of the action which are discussed in the statement include ecological, social, and economic considerations, along with the effects of possible rationed use, shifting of mass recreational needs, and restricted resource management (54 pages). Comments made by DOI, EPA. (ELR Order No. 00845.) (NTIS Order No. EIS 73 0845-F.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

I-84, Connecticut, Conn., Hartford County, May 10: The proposed project involves the reconstruction of some existing portions of I-84 and the construction of a new I-84 connector between Spencer Street in Manchester and Forkes Street in East Hartford. Length of the project is 2.9 miles. Five homes, one farm, one motel, and two businesses will be displaced. A section 4(f) determination has been filed to acquire 19.5 acres of land from the Veterans Memorial Park (97 pages). (ELR Order No. 00786.) (NTIS Order No. EIS 73 0786-D.)

Final

Santiago Canyon Road, Calif., Orange County, May 18: The project proposes construction of concreted-rock slope protection for roadway embankments at four locations along FAS Route 1279. In addition, a concreted-rock lined channel and apron and some filling will be performed at a fifth location. The five sites are located between Silverado Canyon Road and Live Oak Canyon Road. The purpose of the project is protection against water erosion (10 pages). Comments made by EPA. (ELR Order No. 00856.) (NTIS Order No. EIS 73 0856-F.)

State Road 115, Fla., Duval County, May 7: The proposed project consists of upgrading 2.16 miles of State Road 115 in Jacksonville from an existing two-lane facility to a modern four-lane divided highway. The project extends from Trout River to the proposed interchange on I-295. Section 4(f) land from the Garden City Park and Community Center will be encroached upon. Several residences and businesses will be relocated due to acquisition of right-of-way (approximately 130 pages). Comments made by EPA, HUD, DOI, USDA, State agencies. (ELR Order No. 00771.) (NTIS Order No. EIS 73-0773-F.)

F.A.S. Route 406, Kans., Linn County, May 17: The action is the proposed reconstruction of approximately 3.104 miles of F.A.S. Route 405 from Broadway Street to its intersection with U.S. 69; 4(f) land will be taken from the Marias des Cygnes waterfowl area for construction of 2.87 miles of the roadway. Approximately 10.4 acres will be committed to the project. Air and noise pollution will increase; soil will be lost to erosion (46 pages). Comments made by: USDA, COE, DOI, DOT, EPA, and HEW. (ELR order No. 00837.) (NTIS order No. EIS 73 0837-F.)

Lexington to Paris Road, Ky., Fayette and Bourbon Counties, May 17: The proposed project is the replacement of a two-lane road with a four-lane, high-speed, parkway type highway between Lexington and Paris Road; length would be 12.1 miles. Thirteen families would be displaced, a private country club relocated, and a private school would lose recreation ground (68 pages). Comments made by: USDA, DOI, EPA, HEW, and HUD. (ELR order No. 00839.) (NTIS order No. EIS 73 0839-F.)

Maryland Route 197, Md., Prince Georges County, May 10: The statement refers to the proposed relocation of Maryland Route 197 from a point 1.7 miles north of Maryland Route 450 to the proposed county relocation of Jericho Park Road at the Pennsylvania Railroad. Initial construction consists of two northbound lanes of an ultimate four-lane divided highway. Project length is 1.3 miles. An unspecified amount of land from an undeveloped area will be committed to right-of-way (48 pages). Comments made by: HUD and DOT, State and local agencies. (ELR order No. 00790.) (NTIS order No. EIS 73 0790-F.)

C.S.A.H. 12, Minn., Almsted County, May 17: The proposed project is the upgrading of 4.7 miles of C.S.A.H. 12. The amount of land acquired will vary between 8.27 and 10.2 acres. The facility will also require bridge structure changes across the Zumboo River. Adverse impacts are severance of farms properties; loss of woodland; and increased erosion and siltation from runoff (38 pages). Comments made by: USDA, DOI, EPA, FPC, and HUD. (ELR order No. 00840.) (NTIS order No. EIS 73 0840-F.)

Mississippi, U.S. 45, Miss., Lee County, May 18: The proposed project consists of the relocation of 6.3 miles of U.S. 45. The facility will displace 35 families, 3 businesses, 1 farm, and 5 buildings. An unspecified amount of land will be acquired for right-of-way. Adverse impacts are loss of agricultural land, and increased air and noise pollution (27 pages). Comments made by: USDA, COE, and HUD. (ELR Order No. 00858.) (NTIS Order No. EIS-73 0858-F.)

Route T, Mo., Platte County, May 17: The statement considers the construction of 4.7 miles of two-lane roadway, from the proposed I-435 to I-29. Approximately 200 acres of land will be committed to the project with a resulting effect upon local wildlife populations. Approximately 800 feet of Brush Creek will be channelized. Comments made by: USDA, COE, DOI, and EPA. (ELR Order No. 00838.) (NTIS Order No. EIS 73 0838-F.)

Omaha-Freemont Expressway, Nebr., Doyglad, Dodge, and Saunders Counties, May 4: The statement considers 10 alternate locations for the proposed construction of a four-lane facility between Omaha and Freemont, a distance of approximately 45 miles. The amount of right-of-way required and the number of displacements will depend upon the alignment selected. Adverse effects include water pollution during construction, possible disruption of riparian habitat and riverine ecosystems, and relocation of wildlife (77 pages). Comments made by: USDA, COE, EPA, and DOT State and local agencies. (ELR Order No. 00763.) (NTIS Order No. EIS 73 0763-D.)

U.S. 6 and U.S. 34, Nebr., Furnas, Harlan, and Phelps Counties, May 15: The proposed project entails the reconstruction of a segment of U.S. highways 6 and 34. Project length, amount of land acquisition and number of family and business displacements will depend upon the route chosen; each would have adverse effects on wildlife and farming and livestock operations. Land erosion and water pollution will occur (40 pages). Comments made by: USDA, COE, DPA, DOI, and DOT. (ELR Order No. 00819.) (NTIS Order No. EIS 73 0819-F.)

Interstate Route 40, N. Mex., Quay County, May 4: The proposed project involves the construction of 14.3 miles of I-40 in the city of Tucumcari. The facility will consist of a four-lane controlled access, divided highway with associated two-lane frontage roads. Approximately 700 acres of land plus the existing right-of-way of U.S. 66 will be required for the project. Fourteen families and six businesses will be displaced (21 pages). Comments made by: USDA, DOI, and EPA State agencies. (ELR Order No. 00766.) (NTIS Order No. EIS 73 0766-F.)

Oregon Road, Ohio, Wood County, May 18: The proposed project is the upgrading of approximately 3 miles of Oregon Road. A total of 50 acres of land will be acquired for right-of-way; four families will be displaced. The facility will increase noise and air pollution levels within the vicinity of the project (39 pages). Comments made by: USDA, EPA, and HUD State and local agencies. (ELR Order No. 00857.) (NTIS Order No. EIS 73 0857-F.)

Arrowhead Bridge and approaches: Wisconsin and Minnesota, May 4: The statement considers five alternate locations for the proposed replacement of the existing Arrowhead Bridge, which carries local and U.S. 2 traffic across the St. Louis River, between the cities of Duluth, Minn. and Superior, Wis. The number of displacements and the amount of right-of-way required will depend upon the alternate selected. Excavation for piers will cause water pollution (137 pages). Comments made by: COE, DOI, USCG, and EPA State and local agencies of Wisconsin and Minnesota. (ELR Order No. 00765.) (NTIS Order No. EIS 73 0765-F.)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-11090 Filed 6-1-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of EPA Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendixes during the period from April 16, 1973, to April 30, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this reviewing period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in appendix II, and the EPA source for copies of the comments as set forth in appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in appendixes I, III, and IV.

Copies of the EPA Order 1640.1, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated May 22, 1973.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN APRIL 16, 1973 AND APRIL 30, 1972

Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-06094-SC: Barnwell Nuclear Fuel Plant, S.C.	ER-3	A
Department of Agriculture	D-DOA-30211-OH: Short Creek Watershed project, Harrison and Jefferson Counties, Ohio.	ER-2	F
Do	D-REA-08003-MN: 230 kV transmission line, Henning to Rush Lake, Minn.	LO-1	F
Do	D-SCS-36225-GA: Kiokee Creek Watershed project, Columbia and McDuffie Counties, Ga.	ER-2	E
Do	D-SCS-36230-WI: First Capitol Watershed, Lafayette and Iowa Counties, Wisc.	LO-2	F
Do	D-SCS-36238-MT: Baker Lake Watershed, Fallon County, Mont.	LO-1	I
Do	D-AFS-65012-NM: Proposed Timber Management Plant for Santa Fe Forest, N. Mex.	LO-2	G
Do	D-DOC-81110-NC: Construction of a marine resource facility, Dare County, N.C.	ER-2	E
Corps of Engineers	D-COE-32409-MS: East Pearl River, Hancock County, Miss.	ER-1	E
Do	D-COE-30059-MA: Jonesport Harbor, navigation project, Maine.	LO-2	B
Do	D-COE-35063-IL: Waukegan Harbor maintenance and diked disposal, Ill.	LO-2	F
Do	D-COE-35064-WI: Kenosha Harbor and Racine Harbor, Wis.	LO-2	F
Do	D-COE-36237-NJ: Flood Control project for Orange and West Orange, N.J.	ER-2	C
Do	D-COE-39008-MT: West Gallatin River, snagging and clearing project, Mont.	ER-2	I
Department of Defense	D-DOD-11027-00: Air installations compatible use zones.	LO-1	A
Do	D-USN-11026-FL: Trident Ulms Wharf and turning basin, Fla.	3	A
Do	D-USN-11023-DC: Bolling-Anacostia development concept, Washington, D.C.	ER-2	A
Department of the Interior	D-DOI-00052-00: Executive Order 11644 ORV use on interior lands.	ER-2	A
Do	D-NPS-61126-CO: Wilderness proposal Mesa Verde National Park, Colo.	LO-1	I
Do	D-SFW-61121-NB: Proposed Valentine Wilderness Area, Nebr.	LO-1	H
Do	D-SFW-61122-MO: Proposed Mingo Wilderness Area, Mo.	LO-1	H
Do	D-BLM-00064-WI: Sale of Fort Mohave lands, State of Nevada	ER-2	J
Interstate Commerce Commission:	D-ICC-54025-00: Ex parte No. 281, increased freight rates and charge	3	A

Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Department of Transportation	D-DOT-41560-CO: Central Fort Collins Expressway, F 287-3(3), Colorado.	ER-2	I
Do	D-FAA-51247-MO: Mississippi County Airport, Charleston, Mo.	LO-2	H
Do	D-FAA-51251-AK: Kasigluk Airport, Alaska	LO-2	K
Do	D-FAA-51255-NM: Ute Lake State Park Airport, N. Mex.	LO-2	G
Do	D-FAA-51256-GA: Brunswick Airpark Airport, Brunswick, Ga.	LO-2	E
Do	D-FAA-51262-OK: Heavener Municipal Airport, Le Flore County, Okla.	LO-2	G
Do	D-FAA-51264-AK: Kenai instrument landing system, Alaska.	LO-1	K
Do	D-FAA-51254-TX: Wharton Municipal Airport, Wharton, Tex.	LO-2	G
Do	D-FHW-41710-NY: Southern Tier Expressway, Corning area, Steuben County, N.Y.	ER-2	C
Do	D-FHW-41699-VA: I-66, Hampton Roads, Va	ER-1	D
Do	D-FHW-41718-AK: Shena Hot Springs Road, Alaska	LO-1	K
Do	D-FHW-41733-PA: L.R. 148, section A 17, Lancaster and Bucks Counties, Pa.	LO-2	D
Do	D-FHW-41721-OH: CR 6—Reconstruction, Sandusky River, Seneca County, Ohio.	LO-1	F
Do	D-FHW-41723-MD: Relocated Maryland Route 103 from existing Maryland Route 550, Md.	3	D
Do	D-FHW-41728-WI: FAS 00 Elk Creek-Elva Road, Trempealeau County, Wis.	LO-2	F
Do	D-FHW-41732-IA: Guthrie Avenue Viaduct and approaches, Des Moines, Iowa.	ER-2	H
Do	D-FHW-41741-FL: State Route 5 (U.S.-1) State Job 86010-1512, Fort Lauderdale, Broward County, Fla.	LO-2	E
Do	D-FHW-41742-KY: Louisa-Catlettsburg Road, Lawrence and Boyd Counties, Fla.	LO-2	E
Do	D-FHW-41743-KY: New Cut Road from Third Street to Southern Parkway, Jefferson County, Ky.	LO-1	E
Do	D-FHW-41744-AL: Tallapoosa River to Dadeville, project S-033-H, Tallapoosa County, Ala.	LO-2	E
Do	D-FHW-41746-OK: Improvement of U.S. 271 and State Highway 112 in Leflore County, Okla.	LO-1	G
Do	D-FHW-41749-VT: Vermont Route 100, Vermont, approximately 4.5 miles north of Stowe-Morristown to a point on Vermont 15 northwesterly of Morrisville.	LO-2	B
Do	D-FHW-41750-SD: F 014-3 Day County, S. Dak	LO-1	I
Do	D-FHW-50120-AK: Safety Sound Estuary Bridge, Alaska.	ER-2	K
Federal Power Commission	D-FPC-03038-TX: Sabine Pass project of Natural Gas Pipeline (Revised).	LO-1	G
Department of Housing and Urban Development.	D-HUD-80122-VA: Randolph Urban Renewal Area, Richmond, Va	LO-2	D
Do	D-HUD-80120-DC: Fourth Action year, Neighborhood Development program, H Street Urban Renewal Area, Washington, D.C.	LO-2	D
Do	D-HUD-80121-DC: Fourth Action year, Neighborhood Development program, Downtown Urban Renewal Area, Washington, D.C.	LO-2	D
Do	D-HUD-80124-NC: Fourth Ward Urban Renewal Area, Mecklenburg County, Charlotte, N.C.	LO-2	E
Do	D-HUD-80125-DC: Fourth Action year, Neighborhood Development program, 14th Street Urban Renewal Area, Washington, D.C.	LO-2	D
Do	D-HUD-80126-DC: Fourth Action year, Neighborhood Development program, Shaw School Urban Renewal Area, Washington, D.C.	LO-2	D
Do	D-HUD-80008-TX: Proposed New Community of San Antonio, New Town-In Town, Tex.	ER-2	G
Tennessee Valley Authority	D-TVA-36230-TN: Briceville Flood Relief project, Anderson County, Tenn.	LO-1	E

Appendix II, Definition of Codes for the General Nature of EPA Comments

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

Appendix III

Final Environmental Impact Statements for Which Comments Were Issued Between April 16, 1973 and April 20, 1973

Agencies and Identifying number	Title	General nature of comment	Source for copies of comments
Atomic Energy Commission—F-AEC-05019-00.	Indian Point Nuclear Generating Plant, Unit No. 2, N.Y.	EPA raised concern as to likely violation of New York State's water quality standards and irreversible impacts on aquatic biota in the Hudson River arising during the period of operation of the plant prior to completion of the planned closed-cycle cooling system (i.e. violations and impacts due to the present once-through cooling system). Further, it was indicated that it will be necessary for EPA to condition the discharge permit to be issued under the Federal Water Pollution Control Act Amendments of 1972 to avoid such problems (possibly by restricting plant operation).	A

Appendix IV

Regulations, Legislation and Other Federal Agency Actions for Which Comments Were Issued Between April 16, 1973 and April 20, 1973

Agency	Title	General Nature of comments	Source for copies of comments
None			

APPENDIX V

SOURCES FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, room 847, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, suite 300, 1421 Peachtree Street NE., Atlanta, Ga. 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, Ill. 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Tex. 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, room 916, 1860 Lincoln Street, Denver, Colo. 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, Calif. 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc.73-10961 Filed 6-1-73;8:45 am]

CHECKER MOTORS CORP.

Suspension Request; Notice and Procedures for Public Hearing

Section 202(b) (5) (A) of the Clean Air Act, as amended, provides that at any time after January 1, 1972, any automobile manufacturer may file with the Administrator an application requesting suspension for 1 year only of the effective date, with respect to that manufacturer, of the carbon monoxide or hydrocarbon (or both) emission standards applicable to light-duty vehicles manufactured beginning with the model year 1975.

If the Administrator determines that such suspension should be granted, he must simultaneously with such determination prescribe by regulation interim emission standards which shall apply to emissions of carbon monoxide or hydrocarbons (or both) from such vehicles manufactured during model year 1975.

On April 11, 1973, the Administrator of the Environmental Protection Agency granted the applications of American Motors Corp., Chrysler Corp., Ford Motor Co., General Motors Corp., and International Harvester Co. for a 1-year suspension of the effective date of the two statutory 1975 light-duty motor vehicle emission standards with respect to each applicant and simultaneously established interim emission standards applicable to the applicants' 1975 model year vehicles. (See Decision of the Administrator, FEDERAL REGISTER, April 26, 1973, p. 10317.)

The Administrator's decision was based on findings required by section 202(b) (5)(D) (i), (ii), (iii, and (iv) of the Clean Air Act, as amended. EPA regards findings (i) (a suspension is essential to the public interest) and (iii) and (iv) (technology is not generally available) as applicable to the automobile industry as a whole and, hence, to any application for suspension of the statutory 1975 standards filed after April 11, 1973, by any other manufacturer. The remaining finding, that the applicant has made all good faith efforts to meet the statutory standards (section 202(b) (5) (D) (ii)), will be made on the basis of an application and the record of a public hearing held subsequent to the receipt by EPA of any such application. A decision granting or denying any application will be made within 60 days after receipt thereof. Any manufacturer granted a suspension will be subject to the interim standards set forth in the April 11, 1973, decision.

On May 15, 1973, Checker Motors Corp. filed with the Administrator an application for a 1-year suspension with respect to that company of the effective date of the 1975 emission standards. A public hearing on this application and all other applications for suspension of the 1975 emission standards received after May 15, 1973, and prior to June 14, 1973, will be held in Washington, D.C., during the third week in June. A subsequent FEDERAL REGISTER notice will specify the time and place of the public hearing.

Any interested person may participate in this hearing through the filing of written comments or information and by oral statement at the hearing. Any interested person desiring to make an oral statement at the hearing shall file a written request (10 copies, if practicable) to make an oral statement with the Director, Mobile Source Enforcement Division, Environmental Protection Agency, room 3220, 401 M Street SW., Washington, D.C. 20460, not later than June 15, 1973. Persons failing to submit timely written requests to give oral presentations at the public hearing shall not be entitled to appear at the hearing either to give direct presentations or to directly question other witnesses, except at the discretion of the hearing panel. Such persons are not precluded, however, from submitting written statements for the record and written questions to be propounded by the hearing panel. Any written request to make an oral statement shall contain a brief outline of such person's oral statement. Oral statements by participants other than applicants shall be limited to 10 minutes, followed by such questioning as the hearing panel deems appropriate.

Written statements and information not to be presented orally at the hearing may be submitted to the above address for inclusion in the record of the hearing at any time prior to the Administrator's decision on the pending applications. Any person who provides written or oral information for consideration in this hearing shall be required, upon 24 hours notice, to appear at the hearing to respond to questioning by the hearing panel or by such other interested persons as the panel deems appropriate at any time prior to conclusion of the hearing.

Presentations by participants shall be addressed to whether the applicant has made all good faith efforts to meet the standards.

The application and such portions of the applicants' supporting documentation as may properly be made public will be available for public inspection in the Freedom of Information Office, Environmental Protection Agency, room 329, 401 M Street SW., Washington, D.C. 20460. Any person may obtain copies of public portions of the applications as provided for by 40 CFR part 2.

Procedures.—Since the public hearing is designed to give all interested persons an opportunity to participate in this proceeding, participants may present data, views, arguments, or other pertinent information concerning the action requested of the Administrator and may submit written questions to be propounded to a witness by the hearing panel. Participants in the proceeding may, in addition, submit written requests to question directly specified witnesses. Such written requests may be submitted at any time and shall be allowed at the discretion of the hearing panel. Requests to question witnesses directly shall contain a showing that the issues to be addressed are critical to the issues in the proceeding and that interrogation of the witness by the panel and through written questions submitted by such participant is inadequate to protect fully such participant's interests. Such request shall specify the particular issues to be pursued by such participant on direct examination of a witness.

A verbatim transcript of the proceeding will be made and copies will be available from the reporter at the expense of any person requesting them.

Dated May 30, 1973.

GEORGE ALLEN,
Acting Assistant Administrator for Enforcement and General Counsel.

[FR Doc.73-11095 Filed 6-1-73;8:45 am]

[I. F. and R. Docket No. 293]

MIREX

Order Fixing Parties and Order To Show Cause

In the matter of public hearing to determine whether or not the registrations of MIREX should be canceled or amended.

The Environmental Protection Agency, Edward Lyle and Timothy Harker, Office of General Counsel, 401 M Street NW., Washington, D.C. 20460, being the proponent herein and it appearing that the hearing clerk has received and filed evidence of intention to became a party in the above-captioned matter, in response to the notice of intent to hold hearing, published by the Administrator of the said Environmental Protection Agency in the FEDERAL REGISTER on April 4, 1973

(38 FR 8616), from the following: Allied Chemical Corp., Donald J. Mulvihill, Esq., Cahill, Gordon and Reindel, 1819 H Street NW., Federal Bar Building, Washington, D.C. 20006; Alabama Conservancy, Conservation Center, Mrs. Robert E. Burks, Jr., vice president, 1816 East 28th Avenue South, Birmingham, Ala. 35209; Alabama Department of Agriculture and Industries, M. D. Gilmer, commissioner, Montgomery, Ala. 36109; American National Cattlemen's Association, C. W. McMillan, executive vice president, Washington, office, 1015 National Press Building, Washington, D.C. 20004; Mr. Jake Ardoin, Route 2, Box 79, Ville Platte, La. 70586; Arkansas State Plant Board, Melvin C. Tucker, director, Division of Plant Industry, P.O. Box 1069, Little Rock, Ark. 72203; East Carroll Parish Police Jury, C.O. Reed, secretary, Lake Providence, La. 71254; Environmental Defense Fund, Edward L. Rogers and William A. Butler, 1712 N Street NW., Washington, D.C. 20036; Georgia Department of Agriculture, Thomas T. Irvin, commissioner, Agriculture Building, Capitol Square, Atlanta, Ga. 30334; Izaak Walton League of America Inc., Maitland Sharpe, environmental affairs director, 1800 North Kent Street, suite 806, Arlington, Va. 22209; Louisiana Department of Agriculture, Dave L. Pearce, commissioner, P.O. Box 44302, Capitol Station, Baton Rouge, La. 70804; Medical University of South Carolina, Julian E. Kell, M.S., associate in preventive medicine, Department of Medicine, Section of Preventive Medicine, 80 Barre Street, Charles, S.C. 29401; Mississippi State Department of Agriculture and Commerce, Jim Buck Ross, commissioner, A. F. Summer, State attorney general, P.O. Box 220, Jackson, Miss. 39205; National Wildlife Federation, Oliver A. Houck, counsel, 1412 16th Street NW., Washington, D.C. 20036; North Carolina Department of Agriculture, Robert Morgan, attorney general, Department of Justice, P.O. Box 629, Raleigh, N.C. 37602; North Carolina Department of Natural and Economic Resources, Thomas L. Linton, chairman, North Carolina Pesticide Board, Box 27687, Raleigh, N.C. 37611; Orleans Audubon Society, Frank P. Fischer, Jr., 2720 Octavia Street, New Orleans, La. 70115; Pineapple Growers Association of Hawaii, John J. Tolan, executive vice president, 1902 Financial Plaza of the Pacific, Honolulu, Hawaii 96813; Police Jury Association of Louisiana, James T. Hays, executive secretary, suite 200, Capitol House, Baton Rouge, La. 70821; Sierra Club, Linda M. Billings, assistant Washington representative, 324 C Street SE., Washington, D.C. 20003; Sierra Club, Delta Chapter, Michael Osborne, chairman, 1006 First National Commerce Building, New Orleans, La. 70112; Tensas Parish Police Jury, James C. Wilkerson, president, St. Joseph, La. 71366; U.S. Department of Agriculture, Animal and Plant Health Inspection Service, G. H. Wise, Acting Administrator, J. Richard Studenny, Esq., Office of General Counsel, 14th and Independence Avenue SW., Washington, D.C.; Zoecon Corp., John D. Diekman, Ph. D., Manager, toxicology and registration, 975 Carolina Avenue, Palo Alto, Calif. 94304; and good cause appearing, it is

Ordered, That the above named be and they are hereby declared as parties to these proceedings and it is further

Ordered, That any person, firm, corporation, association of persons or political subdivision not included in the list of parties appearing herein above and claiming to have filed intention to become a party herein pursuant to the aforesaid notice of intention to hold hearing, show cause before me on or before June 25, 1973, why such person, firm, corporation, association of persons or political subdivision should be added as a party to these proceedings.

Dated May 25, 1973, at Washington, D.C.

DAVID H. HARRIS,
Administrative Law Judge, Occupational Safety and Health Review Commission.

[FR Doc.73-11098 Filed 6-1-73;8:45 am]

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

Notice of Meeting and Agenda

1. *Notice of meeting.*—Notice is hereby given that meetings of the Effluent Standards and Water Quality Information Advisory Committee (the Committee) established under section 515 of the Federal Water Pollution Control Act (the Act; 33 U.S.C. 1373; Public Law 92-500), will be held beginning at 9 a.m., on June 11, 1973, and at 1 p.m., on June 12, 1973, in the Old Angus Ballroom, Holiday Inn, Crystal City, Arlington, Va. These are regularly scheduled meetings of the Committee. The agenda for the meetings include a review of the current status of the Agency's approach to developing effluent limitations guidelines and standards of performance for new sources under sections 304(b) and 306 of the Act.

The Committee at 10:30 a.m., on June 11, 1973, will consider scientific and technical information pertinent to the determination required to be made by the Administrator of the Environmental Protection Agency when proposing regulations providing effluent limitations guidelines and standards of performance for the beet sugar and insulation fiberglass processing industry categories. The Committee will hold an informal workshop at 1 p.m., on June 11, 1973, concerning the effluent limitations guidelines and standards of performance to be developed for the petroleum refining industry.

The meetings and informal workshop will be open to the public. Any member of the public planning to attend or wishing to obtain additional information should contact Martha Sager, Chairman, ES&WQIAC at 202-426-2571. Any changes in the above planned schedule will be announced at the committee meeting.

2. *Written statements.*—Section 515 (b) (3) of the Act provides that scientific and technical information in the Committee's possession, including that which is presented at public hearings is to be transmitted by the Committee to the Administrator and "shall constitute a part of the administrative record and comments on any proposed regulations or standards as information to be considered with other comments and information in making any final determinations." When public hearings are held by the Committee, transcripts of these hearings will be prepared and included within the administrative records. Minutes of Committee meetings, including informal subgroup workshop sessions, will also continue to be prepared and included in the record; however, verbatim transcripts of discussions at such meetings and workshops will not be prepared.

A public hearing will not be held at the June 11 and 12, 1973, meetings. Parties desiring to submit scientific and technical information to the Committee, and included in the administrative record, should submit such information in writing to the Committee, rather than rely upon minutes of Committee meetings or informal workshops for the transmission of such information. (The Committee, of course, does not view this as the sole means of inclusion of public comments in the administrative record. See, e.g., Administrative Procedure Act, 5 U.S.C. 553 and 706.) Written statements or comments may be transmitted to the Committee at any meeting of the Committee or by mail to Dr. Martha Sager, Chairman, Effluent Standards and Water Quality Information Advisory Committee, Environmental Protection Agency, room 821, Crystal Mall, Building No. 2, Washington, D.C. 20460.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

MAY 31, 1973.

[FR Doc.73-11209 Filed 6-1-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19715]

ASCERTAINMENT OF COMMUNITY PROBLEMS BY BROADCAST APPLICANTS

Order Extending Time for Filing Comments and Reply Comments

In the matter of ascertainment of community problems by broadcast applicants, part 1, sections IV-A and IV-B, of broadcast application forms, and primer thereon, docket No. 19715.

1. The Commission has under consideration two petitions to extend the time for filing comments in the above-captioned proceeding.

2. On March 22, 1973, the Commission adopted a notice of inquiry in this matter (FCC 73-330) and specified that comments and reply comments should be filed by June 1 and June 22, respectively. Publication was made in the FEDERAL REGISTER on March 29, 1973 (38 FR 8190).

3. A joint petition was filed on May 18, 1973, by the Special Committee on Reregulation of Radio of the Federal Communications Bar Association and the Reregulation Subcommittee of the Communications Law Committee of the Administrative Law Section of the American Bar Association (Bar Committees), requesting that the time for filing comments be extended from June 1 to October 2, 1973. In support thereof, they state that the additional time is needed to make a detailed study of the interim report and order in docket No. 19153 on "Formulation of Rules and Policies Relating to the Renewal of Broadcast Licenses" (released May 4, 1973), to prepare revised proposed comments in light of that study, and to submit such comments for consideration of and action by parent committees of the FCBA and ABA. They indicate also that the executive committee of the FCBA may determine to canvass the membership before deciding upon the filing of comments.

4. A motion for extension of time to August 1, 1973, was filed on May 22, 1973, by Citizens Communications Center, counsel for the following: Black Efforts for Soul in Television, The American Civil Liberties Union, National Citizens Committee for Broadcasting, Office of Communication of United Church of Christ, and Stern Community Law Firm (Citizens). Reasons given are the large workload in the offices of petitioners and their counsel, consisting of pressing matters before this Commission, other governmental agencies; and the need for more time to analyze properly the proposals in this proceeding, in view of the complexity, scope and important nature of policies being considered herein.

5. The Commission provided for an extended period of time in which to file comments when it specified the June 1 date, which is more than 2 months from issuance of the notice of inquiry and its publication in the FEDERAL REGISTER. The extended period was provided to encourage filings from all segments of the broadcasting industry and the public. To date, however, only 28 comments have been filed, mostly from licensees of small market radio stations.

6. Without addressing or accepting the bar committees' premise that the interim order in docket No. 19153 is likely, if adopted, to have significant impact on the Commission's determination in this proceeding, the Commission believes that the public interest would be served by an extension of time herein to further the objective of obtaining comments from the widest possible sources.

7. The Commission does not believe, however, that the time should be extended to October 2, 1973, as requested by the bar committees. The work which is being done by the committees, and others, is important to a full and productive record in this proceeding. However, the proceeding itself must move forward without undue delay. An extension of time to and including August 1, 1973, appears reasonable and adequate in the circumstances.

8. Accordingly, *It is ordered*, That the dates for filing comments and reply comments in this proceeding are extended to and including, August 1, 1973, and August 31, 1973, respectively.

9. *It is further ordered*, That the request by Citizens is granted and the request by Bar Committees is granted insofar as it is consistent with the foregoing and in all other respects is denied.

10. This action is taken pursuant to authority contained in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and §§ 1.45(e), 1.46, and 0.281(d)(8) of the Commission's rules and regulations.

Adopted May 24, 1973.

Released May 25, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-11026 Filed 6-1-73;8:45 am]

[Report 650]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MAY 29, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

8431-C2-P-(7)-73, Northwestern Bell Telesignaling station to operate on 152.84 at location No. 1, 224 South Fifth Street, phone Co. (new): C.P. for a new one-way Minneapolis, Minn.; location No. 2, 70 West Fourth Street, St. Paul, Minn.; location No. 3, 6002 28th Avenue South, Minneapolis, Minn.; location No. 4, 2940 Rice Street, Little Canada, Minn.; location No. 5, West 84th Street and Winslow Road, Bloomington, Minn.; location No. 6, County Road 6 and Xenium Land, Plymouth, Minn.; location No. 7, on Century Avenue near Washington County Road No. 22, St. Paul Park, Minn.

8432-C2-P-(2)-73, Advanced Radio Communications Co. (new): C.P. for a new two-way signaling station to operate on 454.275 and 454.350 MHz at WEZR-FM Tower, Butts Corner, Va.

8430-C2-P-73, RCC of Virginia, Inc. (new): C.P. for a new one-way signaling station to operate on top of Hill Mountain, Roanoke, Va., on frequency, 152.24 MHz.

8434-C2-P-73, Chicago Communications Service, Inc. (new): C.P. for a new two-way station to operate on 454.225 MHz at intersection of Arlington Heights Road and Highway 12, Arlington Heights, Ill.

8435-C2-MP-73, Ram Broadcasting of Indiana, Inc. (KUC848): C.P. to change antenna location, operating on 158.70 MHz (one-way signaling), at Indiana National Bank Tower No. 1, Indiana Square, Indianapolis, Ind.

8436-C2-P-(2)-73, Dome Communications (KLF516): C.P. to change antenna location and to change control point location, operating on 454.15 MHz at Third Avenue East, lot 53, Sheridan, Wyo. (Location No. 2.)

8437-C2-P-73, Tel-Page Corp. (KRH630): C.P. for additional facilities to operate on 152.03 MHz at Moss Hill Road, 3 miles east of Horseheads, N.Y.

8438-C2-P-73, Peninsula Radio Secretarial Service, Inc. (new): C.P. for a new one-way signaling station to operate on 43.22 MHz at 50' west of intersection of Lincoln Avenue, and Newlands Avenue, San Mateo, Calif.

8439-C2-P-73, William T. Peacock, Jr., doing business as Peacock Radio Service (new): C.P. for a new two-way station to operate on 152.18 MHz at 4.2 miles southeast of Brooksville, Fla.

8440-C2-P-73, Mobile Radio System of San Jose, Inc. (new): C.P. for a new one-way signaling station to operate on 43.22 MHz at 5.5 miles south of San Jose, near Mount Umunhum, Calif.

8441-C2-P-73, Pat's Mobile Phone, Inc. (KTS226): C.P. for additional facilities to operate on 152.18 MHz at 1.5 miles west Public Square Highway No. 120 and Lick Creek Road, Linden, Tenn.

8442-C2-TC-73, Raleigh Radio Paging Service, Inc.: Consent to transfer of control from Wright T. Dixon, Jr., et al, transferors to Ferrebee L. Patterson, transferee. Station: KIY409, Raleigh, N.C.

8443-C2-TC-73, Clarksdale Mobile Telephone, Inc. (KTS215): Consent to transfer of control from John N. Palmer, transferor to G. Douglas Abraham, transferee. Station: KTS215, Clarksdale, Miss.

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[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (pt. 21 of the rules).

8444–C2–TC–73, Cascade Telephone Co. (KOP320): Consent to transfer of control from Telephone Utilities, Inc., transferor to Continental Telephone Corp., transferee. Station: KOP320, Ilwaco, Wash.

8445–C2–P–73, Marne & Elk Horn Telephone Co. (New): C.P. for a new two-way signaling station to operate on 152.60 MHz at 221 ft East of Catalpa and B Streets, Elk Horn, Iowa.

8446–C2–TC–73, Northwestern Telephone Systems, Inc.: Consent to transfer of control from Pacific Power & Light Co., transferor to Telephone Utilities, Inc., transferee. Station: KFL914, Lebanon, Oreg.

8447–C2–TC–73, Evergreen Telephone Co.: Consent to transfer of control from Telephone Utilities, Inc., transferor to Continental Telephone Corp., transferee. Station: KOP247 and 8, Ilwaco, Wash.

8448–C2–P–73, Illinois Bell Telephone Co. (KSD677): C.P. to change antenna system, operating on 152.54 MHz at 3.1 miles north of Elwood, Joliet, Ill.

8449–C2–P–(2)–73, Williamsport Mobile Telephone Co. (New): C.P. for a new two-way station to operate on 454.175 and 454.200 MHz at 2 miles southeast of South Williamsport, Penn.

8450–C2–ML–73, General Telephone Co. of Florida (KIY440): Modification of license to change antenna height, operating on 152.57 and 152.81 MHz at 2.5 miles west-southwest of Highland City, Highland City, Fla.

Renewals of licenses expiring July 1, 1973. Term: July 1, 1973, to July 1, 1978.

Licensee and Call Sign

Brandenburg Telephone Co. KIY459.
The C. & P. Telephone Co. of West Virginia, KQD312.
Same as above, KQK724.
Cincinnati Bell, Inc., KIY 773.
Same as above, KQA482.
Cimarron Telephone Co., KSW205.
City of Beresford, KFL952.
Colfax Telephone Exchange, KMM688.
Clarks Telephone Co., KSW208.
Citizens Telephone Co., KIY762.
Continental Telephone Co. of California, KFL896.
Same as above, KFL908.
Same, KMM635.
Same, KMA746.
Same, KMM584.
Same, KMM598.
Same, KMM633.
Same, KMM637.
Same, KMM638.
Same, KMM650.
Same, KMM661.
Same, KMM662.
Same, KMM663.
Same, KMM664.
Same, KMM669.
Same, KMM670.
Same, KMM672.
Same, KMM681.
Same, KMM682.
Same, KOF901.
Same, KOP243.
Elyria Telephone Co., KQK581.
General Telephone Co. of Illinois, KJU818.
Same as above, KLF568.
Same, KLF636.
Same, KQZ733.
Same, KQZ746.
Same, KQZ750.
Same, KQZ751.
Same, KQZ758.
Same, KRS624.
Same, KRS633.
Same, KRS635.
General Telephone Co. of Illinois, KRH639.
Same as above, KRH645.
Same, KRH669.
Same, KRH670.
Same, KRS622.
Same, KRS667.
Same, KSJ620.
Same, KSJ621.
Same, KSJ822.
General Telephone Co. of Michigan, KQA769.
Same as above, KQK591.
Same, KQK717.
Same, KQK718.
Same, KQK729.
Same, KRM495.
General Telephone Co. of the Northwest, Inc., KOH271.
Gopher State Telephone Co., KAD928.
Same as above, KAF647.
Gulf Telephone Co., KDT225.
Hawkeye State Telephone Co., KAF637.
Same as above, KFL915.
Hillsdale County Telephone Co., KWK719.
Indiana Bell Telephone Co., KSA629.
Same as above, KSA809.
Same, KSB661.
Same, KSC366.
Same, KSB623.
Same, KSC873.
Same, KSC874.
Same, KSC875.
Same, KSC876.
Same, KSD323.
Same, KSD324.
Same, KSJ626.
Iowa Telephone Co., KAL874.
Same as above, KTD218.
Same, KEK285.
Same, KFJ904.
Jamestown Telephone Corp., KGI773.
Johnson Telephone Co., KSW206.
Midstate Telephone Co., Inc., KEJ892.
Minnesota Telephone Co., KAF651.
Mountain States Telephone Co., KAR68.
New Jersey Telephone Co., KEJ893.
Norman County Telephone Co., KTS251.
North Carolina Telephone Co., KIY787.
North Florida Telephone Co., KIK577.
Northern States Power Co., KLF615.
Northwest Mutual Aid Telephone Corp., KAI929.
Same as above, KAI928.
Northwestern Telephone Systems, Inc., KFL914.
Same as above, KOK412.
Oneonta Telephone Co., Inc., KJU812.
Planters Rural Telephone Co-op., Inc., KRS645.
Reservation Telephone, Cooperative, KAH660.
Same as above, KAF646.
Same, KRM990.
E. Ritter Telephone Co., KKT404.
Shenandoah Telephone Co., KIY770.
Souris River Telephone, Mutual Aid Corp., KAI930.
Same as above, KAI931.
Statesboro Telephone Co., KWA654.
St. John Co-op. Telephone & Telegraph Co., KRS675.
Tri-County Telephone Co-op., Inc., KJU891.
United Telephone Co. of Ohio, KQD600.
Same as above, KUA305.
United Telephone of Pa., KGH871.
Same as above, KGH863.
Same, KGI777.
Western California Telephone Co., KMM654.
Same as above, KMM655.
Same, KMM656.
The Western Reserve Telephone Co., KQK583.
Western Wahkaikum County Telephone Co., KOP302.

Applications Accepted For Filing:

RURAL RADIO SERVICE

8451–C6–P–73, Southwestern Bell Telephone Co. (new): C.P. for a new rural subscriber station to operate on 157.95 MHz at 14.8 miles north of Laredo, Tex.

POINT-TO-POINT MICROWAVE RADIO SERVICE

8364–C1–ML–73, American Telephone & Telegraph Co. (KOU87): Mod. of license to change polarity from V to H on freq. 3710, 3790, 3870, 3950, 4030, 4110, and 4190 MHz toward Buckhorn Mtn., Colo.

8365–C1–ML–73, same (KOB69): Mod. of license to change polarity from H to V on freq. 3710, 3790, 3870, 3950, and 4030 MHz; from V to H on freq. 3730, 3810, 3970, 4050, and 4130 MHz toward Buckhorn Mtn., Colo.

8366–C1–ML–73, same (KAC61): Mod. of license to change polarity from H to V on freq. 3750, 3830, 3910, 3990, 4070, and 4150 MHz; change from V to H on freq. 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Crow Creek Hill, Wyo.; change from V to H on freq. 3750, 3830, 3910, 3990, 4070, 4150, and 4198 MHz toward Cheyenne Jct., Wyo.

8367–C1–P–73, Cascade Utilities, Inc. (new): Eagle Creek, Oreg. Latitude 45°21'32" N., longitude 122°21'26" W., C.P. for a new station on freq. 11525V MHz toward Estacada, Oreg.

8368–C1–P–73, same (KGH29): On Day Hill Road, Estacada, Oreg. Latitude 45°16'14" N., longitude 122°19'54" W. C.P. to correct antenna for radial path to KPZ27, Boring, Oreg. and add freq. 11075V MHz toward new point of communication at Eagle Creek, Oreg.

8369–C1–P–73, Data Transmission Co. (new): 0.8 Mile W. of Jacksonburg, Ohio. Latitude 39°32'29" N., longitude 84°31'9" W. C.P. for a new station on freq. 6123.1H MHz toward New Baltimore, Ohio; freq. 6123.1V MHz toward Kettering, Ohio.

8370–C1–P–73, same (new): One mile NE of Kettering, Ohio. Latitude 39°42'23" N., longitude 84°05'30" W. C.P. for a new station on freq. 6375.2H MHz toward Jacksonburg, Ohio; freq. 6404.8V MHz toward Enon, Ohio.

8371–C1–P–73, same (new): Three miles SE of Enon, Ohio. Latitude 39°49'58" N., longitude 83°54'57" W. C.P. for a new station on freq. 6152.8V MHz toward Kettering, Ohio; freq. 6123.1H MHz toward Brighton, Ohio.

8372–C1–P–73, The Mountain States Telephone and Telegraph Co. (KPS77): 6.0 Miles NE of Ellston, Mont. Latitude 46° 35'41" N., longitude 112°17'54" W. C.P. to add freq. 11155H, 10915V MHz toward Helena Park, Mont. via Passive Reflector; freq. 10875V, 11115H MHz toward a new point of communication at Gold Creek, Mont.

8373–C1–P–73, same (KPH60): 3.5 miles SE of Missoula, Mont. Latitude 46°51'18" N., longitude 113°55'21" W. C.P. to add freq. 11155H, 10915V MHz toward new point of communication at Bearmouth, Mont.

8374–C1–P–73, The Mountain States Telephone & Telegraph Co. (new): 6 miles southwest of Bearmouth, Mont. Latitude 46°37'30" N., longitude 113°22'38" W. C.P. for a new station on frequencies 10,795H, 11,035V MHz toward Gold Creek, Mont.; frequencies 11,605H, 11365V MHz toward Mount Sentinel, Mont.

8375–C1–P–73, same (new): 3.5 miles southeast of Gold Creek, Mont. Latitude 46°32' 12" N., longitude 112°54'06" W. C.P. for a new station on frequencies 11,325V, 11,565H MHz toward Helena Junction, Mont.; frequencies 11,485H, 11,245V MHz toward Bearmouth, Mont.

8376–C1–P–73, same (KPS69): 441 North Park Avenue, Helena, Mont. Latitude 46° 35'30" N., longitude 112°02'30" W. C.P. to add frequencies 11,605H, 11,365V MHz toward Helena Junction, Mont. via passive reflector.

8400-C1-TC-(1)-73, Vashon Telephone Co.: Consent to transfer of control from Telephone Utilities, Inc., transferor, to Continental Telephone Corp., transferee for station WHB44, Vashon, Wash.

8402-C1-TC-(6)-73 Evergreen Telephone Co.: Consent to transfer of control from Ilwaco, Wash., transferor, to Continental Telephone Corp., transferee, for stations: KYO92, Morton, Wash.; KYO93, Packwood, Wash.; KYO94, Glenoma, Wash.; KYO95, Randle, Wash.; KYO96, Packwood, Wash.; KYO97, Kosmos, Wash.

8403-C1-TC-(1)-73 Ilwaco Telephone Co. (KYJ56): Consent to transfer of control from Telephone Utilities, Inc., transferor to Continental Telephone Corp., transferee, for station KYJ56, Long Beach, Wash.

8404-C1-TC-(1)-73 Island Telephone Co. (KOB50): Consent to transfer of control from Telephone Utilities, Inc., transferor, to Continental Telephone Corp., transferee, for Station KOB50, Beaver Island, Mich.

8405-C1-TC-(3)-73 Beaver State Telephone Co.: Consent to transfer of control from Telephone Utilities, Inc., transferor, to Continental Telephone Corp., transferee, for stations: WGH99, Chiloquin, Oreg.; KPT38, Lakeview, Oreg.; KTP39, Bly, Oreg.

8406-C1-TC-(6)-73 Evergreen Telephone Co.: Consent to transfer of control from Telephone Utilities, Inc., transferor, to Pacific Power & Light Co., transferee, for stations: KYO92, Morton, Wash.; KYO93, Packwood, Wash.; KYO94, Glenoma, Wash.; KYO95, Randle, Wash.; KYO96, Packwood, Wash.; KYO97, Kosmos, Wash.

8407-C1-TC-(12)-73, Northwestern Telephone Systems, Inc.: Consent to transfer of control from Pacific Power & Light Co., transferor to Telephone Utilities, Inc., transferee for stations: WAY32, KKU21, KPE24, KPE25, KPG94, KXQ81, WBO53, WIV81, KPM60, KPM61, KPM62, and KPT92 located within the States of Montana and Oregon.

8452-C1-P-73, Florida Telephone Corp. (KIO43): 418 East Broadway, Kissimmee, Fla. Latitude 28°17'40" N., longitude 81°24'15" W. C.P. to change antenna system and replace transmitter on frequency 6004.5 and 6123.1V MHz toward Winter Garden, Fla.

8453-C1-P-73, same (KIO44): 33 North Main Street, Winter Garden, Fla. Latitude 28°33'57" N., longitude 81°35'07" W. C.P. to change antenna system and replace transmitter on frequency 6256.5V and 6375.2V MHz toward Kissimmee, Fla.

8454-C1-P-73, Missouri Valley Communications, Inc. (new): Intersection of U.S. I-70 and Missouri 47, Warrenton, Mo. Latitude 38°49'16" N., longitude 91°08'28" W. C.P. for a new station on frequency 10,725V, 11,025V, and 11,125V MHz toward Montgomery City, Mo.

8455-C1-P-73, same (new): 0.8 mile southeast of Montgomery City (Montgomery) Mo. Latitude 38°57'30" N., longitude 91°29'49" W. C.P. for a new station on frequency 11,225V, 11,525V, and 11,625V MHz toward Fulton, Mo.; frequency 11,375H MHz toward Warrenton, Mo.

8456-C1-P-73, same (new): 3 miles northeast of Fulton, Mo. Latitude 38°52'35" N., longitude 91°54'12" W. C.P. for a new station on frequency 10,875H MHz toward Montgomery City, Mo.; frequency 10,725H, 11,025H, and 11,125H MHz toward Columbia, Mo.

8457-C1-P-73, same (new): Municipal Power Plant, Columbia, Mo. Latitude 38°58'03" N., longitude 92°18'53" W. C.P. for a new station on frequency 11,225H and 11,525H MHz toward Boonville, Mo.; frequency 11,375H MHz toward Fulton, Mo.

8458-C1-P-73, same (new): 1.2 miles southwest of Boonville, Mo. Latitude 38°57'11" N., longitude 92°45'24" W. C.P. for a new station on frequency 10,725V and 11,025V MHz toward Marshall, Mo.; frequency 10,875V MHz toward Columbia, Mo.

8459-C1-P-73, same (new): 0.5 mile northwest of Marshall, Mo. Latitude 39°08'09" N., longitude 93°13'05" W. C.P. for a new station on frequency 11,225V and 11,525V MHz toward Higginsville, Mo.; frequency 11,375V MHz toward Boonville, Mo.

8460-C1-P-73, same (new): 106 East 22d Street, Higginsville, Mo. Latitude 39°04'24" N., longitude 93°42'50" W. C.P. for a new station on frequency 10,725H and 11,025H MHz toward Lexington, Mo.; frequency 10,875H MHz toward Marshall, Mo.

8461-C1-P-73, same (new): 0.1 mile southeast of Lexington, Mo. Latitude 39°10'44" N., longitude 93°51'49" W. C.P. for a new station on frequency 11,375V MHz toward Higginsville, Mo.; frequency 11,525H MHz toward Excelsior Springs, Mo.

8462-C1-MP-73, American Microwave & Communications, Inc. (KQN57): Tilden Lake, 2.0 miles southeast of city of Ishpeming, Mich. (lat. 46°27'46" N., long. 87°38'40" W.): Modification of C.P. (8399-C1-P-72): To change from horizontal to vertical the polarities of frequencies 6162.5 MHz and 6212.5 MHz toward Marquette and Sawyer AFB, Mich.

8463-P/ML-73, United Video, Inc. (WBP46): Modification of license to add frequency bands 3700-4200 MHz and 10700-11700 MHz to its present temporary-fixed authorization (3685-C1-P/L-70): And to expand its operating territory.

8464-C1-P-73, Eastern Microwave, Inc. (KEA64): 4.0 miles southeast of Cherry Valley, N.Y. (lat. 42°46'31" N., long. 74°40'56" W.): C.P. to change frequency to 6049.0V MHz toward Helderberg Mountain (WTEN-TV transmitter), New York, on azimuth 105°05'.

8465-C1-P-73, Eastern Microwave, Inc. (KEM59): Sentinel Heights, N.Y. (lat. 42°56'40" N., long. 76°07'08" W.): C.P. to add frequency 6019.3V MHz, via path intercept, toward new point of communication at Syracuse (WHEN-TV studio), New York, on azimuth 353°11'.

8466-C1-P-73, TelePrompTer Trahsmission of Kansas, Inc. (KPH86): Highwood Peak, 28 miles east-southeast of Great Falls, Mont. (lat. 47°26'29" N., long. 110°37'45" W.): C.P. (a) to relocate receive site at Great Falls, Mont., to latitude 47°29'37" N., longitude 111°15'21" W., and (b) to change azimuth toward new Great Falls location to 227°18'.

8467-C1-P-73, KHC Microwave Corp. (new): 2.0 miles South of Catahoula, La. (lat. 30°11'09" N., long. 91°42'38" W.): C.P. for new station, frequency 6197.2H MHz toward Bayou Sorrel, La., on azimuth 93°58'.

8468-C1-P-73, same (new): 0.2 mile east of Bayou Sorrel, La. (lat. 30°09'45" N., long. 91°19'58" W.): C.P. for new station, frequencies 5974.8V MHz, 6093.5V MHz, and 6152.8V MHz toward Baton Rouge, La., on azimuth 23°31'. (Note: See file No. 6450-C1-P-73 (major amendment), this public notice.)

8469-C1-P-73, South Central Bell Telephone Co. (WAN71): Corner of 9th and Willard Streets, Morgan City, La., latitude 29°42'-14" N., longitude 91°12'03" W. C.P. to change antenna system, add points of communication, antennas, transmitter and add frequency 5945.2V MHz toward Franklin, La.

8470-C1-P-73, same (new): Approximately 0.3 mile southwest of Franklin, La., latitude 29°47'02" N., longitude 91°31'06" W. C.P. for a new station on frequency 6226.0H MHz toward New Iberia, La.; frequency 6197.2H MHz toward Morgan City, La.

8471-C1-P-73, same (WHB42): 201 Center Street, New Iberia, La., latitude 30°00'07" N., longitude 91°49'00" W. C.P. to change antenna system, antennas, points of communication, transmitter and frequency 5974.8V MHz toward Franklin, La.

MAJOR AMENDMENT

6450-C1-P-73, KHC Microwave Corp. (new): 4.5 miles southwest of Lafayette, La., at latitude 30°09'51" N., longitude 92°05'16" W. Applications amended to add new point on communication on frequency 6093.5V MHz toward Catahoula, La. on azimuth 86°07'.

8753-C1-P-72, RCA Alaska Communications, Inc. (new): Change site location from Moose Pass, Alaska. Latitude 60°28'34" N., longitude 149°22'08" W.

8755-C1-P-72, same (new): Change site location coordinates to latitude 60°06'18" N. longitude 149°26'20" W. Change frequency toward Moose Pass, Alaska from 5945.2V to 6152.8V MHz. (All other particulars same as reported in Public Notice No. 600, dated June 12, 1972.)

CORRECTIONS

7460-C1-P-73, American Telephone and Telegraph Co. (KCA44): 5 miles northwest of Worcester, Mass. Latitude 42°18'04" N., longitude 71°53'51" W. Correct to read: C.P. to add frequency 3730V MHz toward Worcester, Mass. (All other particulars same as reported in Public Notice No. 645, dated April 23, 1973.)

8131-C1-P-73, same (new): 5.5 miles northnortheast of Point Reyes Station, Calif. Latitude 38°08'53" N., longitude 122°47'39" W. Correct to read: C.P. for a new station on frequency 11,325H MHz toward Burdell Mountain, Calif. (All other particulars same as reported in Public Notice No. 648, dated May 14, 1973.)

8258-C1-P-73, American Microwave & Communications, Inc. Correct Call Sign to read: KYO49. (All other particulars same as reported in Public Notice No. 649, dated May 21, 1973.)

8117-C1-P-73, American Telephone and Telegraph Co. (KIT29): 3 miles southeast of Conyers, Ga. Latitude 33°37'42" N., longitude 83°58'47" W. Correct to read: C.P. to change polarization from V to H on frequency 3790 MHz toward Grayson, Ga. (All other particulars same as reported in Public Notice No. 648, dated May 14, 1973.)

[FR Doc.73-10981 Filed 6-1-73;8:45 am]

[Dockets Nos. 18791-18792; FCC 73-548]

WTAR RADIO-TV CORP. AND HAMPTON ROADS TELEVISION CORP.

Order Extending Time

In re applications of: WTAR Radio-TV Corp. (WTAR-TV), Norfolk, Va., docket No. 18791, file No. BRCT-54, for renewal of broadcast license; Hampton Roads Television Corp., Norfolk, Va., docket No. 18792, file No. BPCT-4281, for construction permit for new television broadcast station.

1. It appears that an initial decision granting renewal of the broadcast license of WTAR Radio-TV Corp. in this proceeding was released on March 21, 1973 (FCC 73D-12) (37 FR 21374); and

that Hampton Roads Television Corp. in a petition to enlarge issues and reopen the record, filed on May 10, 1973, asserts that there is newly discovered evidence which it could not with due diligence have known or discovered at the time of the hearing, and which would, if true, affect the decision in this proceeding.

2. It further appears that exceptions to the initial decision are due to be filed on June 1, 1973; that the Broadcast Bureau on May 9, 1973, filed a statement in support of initial decision and limited exceptions; that the content of any exceptions to be filed may depend in part on the Commission's determination of the petition to enlarge issues and reopen the record; and that an order disposing of the petition to enlarge issues and reopen the record will be not issued prior to June 1, 1973.

3. The Commission has determined, on its own motion, that it would be in the interest of all parties and of administrative efficiency to defer the filing of exceptions until after it has considered the merits of the petition to enlarge issues and reopen the record.

4. *Therefore, it is ordered,* That the date for filing exceptions to the initial decision is extended to and until 5 business days after release of any order disposing of the petition to enlarge issues and reopen the record or until a subsequent date if prescribed by a further order of the Commission, and that the Broadcast Bureau at its option may avail itself of any additional time to file a supplement to its pleading filed on May 9, 1973.

Adopted May 23, 1973.

Released May 29, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-11025 Filed 6-1-73;8:45 am]

FEDERAL MARITIME COMMISSION

COSTA LINE, INC. AND ACHILLE LAURO ARMATORE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW, room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 25, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. J. Lanzoni, vice president, Costa Line, Inc., 245 Park Avenue, New York, N.Y. 10017.

Agreement No. 10005 between Costa Line, Inc. and Achille Lauro Armatore provides for the appointment by Achille Lauro Armatore of Costa Line, Inc. as its general passenger agent in the United States, Canada, and Mexico for its ship, the M/S *Angelina Lauro,* to perform services enumerated in the agreement under covenants, conditions and terms as set forth in the agreement. Among other things, the agreement also provides for the spacing of sailings of their passenger vessels from the United States and foreign ports, and publication of joint sailing schedules, joint rate sheets, joint advertising and promotional material relating to such vessels.

Dated May 30, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-11029 Filed 6-1-73;8:45 am]

COSTA LINE, INC. AND CHANDRIS AMERICA LINES, S.A.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 25, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitue such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. R. J. Lanzoni, vice president, Costa Line, Inc., 245 Park Avenue, New York, N.Y. 10017.

Agreement No. 10007 between Costa Line, Inc., and Chandris America Lines S.A., provides for the appointment by Chandris America Lines S.A. of Costa Line, Inc., as its general passenger agent in the United States, Canada, and Mexico for its ship, the *RHMS Amerikanis,* to perform services enumerated in the agreement under covenants, conditions, and terms as set forth in the agreement. Among other things, the agreement also provides for the spacing of sailings of their passenger vessels from the United States and foreign ports, and publication of joint sailing schedules, rate sheets, advertising, and promotional material relating to such vessels.

Dated May 29, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-11030 Filed 6-1-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8187]

BOSTON EDISON CO.

Initial Filing

MAY 30, 1973.

Take notice that on May 7, 1973, Boston Edison Co. (Edison) tendered for filing, an initial rate schedule between it and New England Power Co. (NEPCO). The agreement provides for the delivery of power over Edison transmission facilities to the Quincy-Weymouth portion of NEPCO's service area. Edison states it submitted a 12-month estimate of transactions and revenues and a summary statement of cost computations to justify the rate.

Edison claims that the rate is intended to compensate Edison for the investment and other expenses associated with the service it is rendering. In recognition of NEPCO's support of certain 345 kV facilities owned by Edison, the rate does not now include a charge for the use of Edison's transmission facilities which exceed 115 kV in voltage.

Prior to November 1, 1972, Edison supplied NEPCO's entire Quincy-Weymouth load. On that date, NEPCO itself started supplying its 115 kV load in that area. Due to the length of the negotiation process, however, Edison was unable to submit this agreement prior to November 1, 1972, or prior to this time. In light of that circumstance and in accordance

with § 35.11 of the Commission's regulations, Edison requests that the agreement filed herewith be permitted to become effective as of November 1, 1972.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11074 Filed 6-1-73;8:45 am]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in Rates and Charges

MAY 25, 1973.

Take notice that on May 11, 1973, Cities Service Gas Co. (Cities) tendered for filing a notice of cancellation of a contract with Northern Natural Gas Co. (Northern) operating as Peoples Natural Gas Division, dated January 2, 1968, relating to service under rate schedule IRG-1, second revised volume No. 1 of Cities' FPC gas tariff. The proposed effective date of such cancellation is March 15, 1973. Cities also filed concurrently with the notice of cancellation a service agreement dated March 14, 1973, between Cities and Southern Union Gas Co. covering the sale of gas for irrigation and other incidental farm purposes in Texas County, Okla. Cities requests waiver of the 30-day-notice provision and that the contract with Southern be given an effective date of March 15, 1973. Cities states that the reason for the cancellation of the contract with Northern is that Northern sold their irrigation systems located in Oklahoma to Southern Union Gas Co. Cities states further that total revenues from April 1972 to March 1973 under this contract amounted to $4,233.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11031 Filed 6-1-73;8:45 am]

[Docket No. CP73-304]

CITIES SERVICE S-G, INC.

Notice of Petition and Application

MAY 29, 1973.

Take notice that on May 15, 1973, Cities Service S-G, Inc., P.O. Box 25128, Oklahoma City, Okla. 73135, filed in docket No. CP73-304 a petition for disclaimer of jurisdiction over its proposed construction and operation of a gas synthesis plant near the city of Diamond in Newton County, Mo. (Diamond Plant) the sale of synthetic gas (SPG) from said plant, and all aspects of the acquisition and the transportation of naphtha for said plant, and in the alternative, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of said plant and the sale for resale in interstate commerce of SPG to Cities Service Gas Co. (Cities), all as more fully set forth in the petition and application on file with the Commission and open to public inspection.

Applicant proposes to construct, install, and operate a gas synthesis plant, capable of converting naphtha into approximately 125,000 M ft³ of SPG per day, for 350 days per year for 10 years to be delivered to Cities in Newton County, Mo., largely into Cities' 16-inch pipeline to be transported west to Cities' Saginaw Station to be commingled with natural gas with smaller volumes to be introduced into Cities' Neosho Line. Applicant estimates the total cost of these facilities to be $42,793,000, to be financed by an advance of $37 million by its corporate parent, Cities Service Co. (Cities Service) out of proceeds from a commercial bank line of credit, and by the sale of $12,500,000 of applicant's common stock to Cities Service.

Applicant proposes to obtain the average daily naphtha supply of the Diamond Plant by importing 100,000 bbl/d of crude and unfinished oils for processing into 25,200 bbl of naphtha.

Applicant contends that the construction and operation of the Diamond Plant, the sale and delivery of SPG to Cities, and all aspects of the acquisition of naphtha for the Diamond Plant are nonjurisdictional and that this contention is consistent with the Commission's Opinion No. 637 issued December 7, 1972, in *Algonquin SNG, Inc. et al.*, docket No. CP72-35, *et al.*, 48 FPC ——. Accordingly, Applicant requests that the Commission disclaim jurisdiction in this matter. In the alternative, Applicant seeks authorization for the construction and operation of said plant and for the sale for resale of SPG to Cities on a cost of service basis. Concurrently, Cities has filed an application in docket No. CP73-301 for a certificate authorizing the transportation and sale of the commingled gas.

Any person desiring to be heard or to make any protest with reference to said petition and application should on or before June 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the certificate application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11054 Filed 6-1-73;8:45 am]

[Docket No. CP73-302]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

MAY 30, 1973.

Take notice that on May 14, 1973, Columbia Gas Transmission Corp. (Applicant), 1700 MacCorkle Avenue, Charleston, W. Va. 25314, filed in docket No. CP73-302 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas storage facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to activate a depleted Clinton gas production field for underground storage operations in Fairfield and Hocking Counties, Ohio, to be known as Crawford Storage Field. Applicant requests authorization to develop 230 storage wells in the field, to construct and operate 137 miles of 4-inch through 30-inch well and field lines, a gas measurement facility at its nearby Crawford

Compressor Station, and to install miscellaneous headers and yard piping at Crawford Compressor Station to permit utilization of existing compressor horsepower. Applicant also intends to make a lease acquisition of approximately 70,000 acres, 36,800 acres of which are within the storage reservoir boundary. The estimated total capacity of the field is 115 million M ft³ at an average shut-in pressure of 800 lb/in²g, with an estimated peak day delivery of 690,000 M ft³.

Applicant states that the proposed storage capacity will assist it in maintaining its authorized levels of service to its existing customers and does not propose any additional sales above the level of its existing authorizations. Applicant alleges that the new storage field will assist it in offsetting curtailments by three of its five nonaffiliated pipeline suppliers and will permit it to warehouse excess summer gas supplies for delivery in the high demand winter heating season.

The estimated cost of the facilities is $32,972,200, to be financed by the sale of notes and/or common stock to the Columbia Gas System, Applicant's parent company.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11053 Filed 6-1-73;8:45 am]

[Docket No. CP73-288]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MAY 29, 1973.

Take notice that on April 23, 1973, Consolidated Gas Supply Corp. (Applicant), P.O. Box 445, Clarksburg, W. Va. 26301, filed in docket No. CP73-288 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of natural gas storage facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to develop the Lost Creek production area in Lewis and Harrison Counties, W. Va., for natural gas storage by plugging 75 wells, reworking 102 wells for active storage, drilling 15 new wells, constructing 40 miles of well gathering lines, and installing 12,000 compressor horsepower at its existing Lightburn Station. Applicant estimates that construction will take place over the 4-year period, 1973-76, and will provide a total storage capacity of 52 million M ft³ of which 22 million will be top gas and 30 million base gas.

Applicant estimates the cost of the facilities to be $31,174,998, to be financed in part by funds on hand and in part by borrowing from its parent corporation, Consolidated Natural Gas Co.

Applicant states that the Lost Creek production area has been found to be geologically interconnected with its existing Fink-Kennedy Storage pool and must be developed if the gas inventory of Fink-Kennedy is to be protected from loss through migration. Applicant further states that development of Lost Creek will provide additional storage operating flexibility to assist in offsetting the effects of fluctuating and unpredictable pipeline supplier curtailments.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11057 Filed 6-1-73;8:45 am]

[Docket No. E-8175]

CONSUMERS POWER CO.

Proposed Change in Rate Schedule

MAY 30, 1973.

Take notice that Consumers Power Co. (Consumers) on May 4, 1973, tendered for filing a wholesale rate contract between Consumers and the city of Portland, Mich., dated January 19, 1973. The contract will supersede and cancel the contract dated September 30, 1965 (designated FPC Rate Schedule No. 10), as amended, between Consumers and the City.

Consumers states that, under the provisions of section II of the contract, the contract will become effective on the date the company completes all work required to increase the capacity of the company's 46,000/2,400 V substation so that the reserved capacity of 5,000 kVA will be available to the city. The company avers that this work was completed on March 27, 1973.

Consumers requests that, pursuant to § 35.11 of the Commission's regulations, the Commission waive the notice requirements to permit the enclosed wholesale rate contract to become effective on March 27, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.72-11070 Filed 6-1-73;8:45 am]

[Docket No. E-8189]

DAYTON POWER & LIGHT CO.

Proposed Changes in Rates

MAY 30, 1973.

Take notice that the Dayton Power & Light Co. on May 11, 1973, tendered for filing revised tariff sheets to its FPC Electric Tariff, original volume No. 1. The revised tariff sheets under which the company provides service to 13 municipalities for resale are proposed to be made effective July 10, 1973, and provide for an increase in revenues from jurisdictional sales and service of $371,045 based on sales during calendar year 1972. Copies of this filing were served upon the company's municipal wholesale customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11071 Filed 6-1-73;8:45 am]

[Project No. 2503]

DUKE POWER CO.

Application for Change in Land Rights

MAY 24, 1973.

Public notice is hereby given that application was filed March 19, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Duke Power Co. (correspondence to: Mr. William S. Lee, vice-president, engineering and construction, Duke Power Co., 422 South Church Street, Charlotte, N.C. 28201) for change in land rights for partially constructed Keowee-Toxaway project No. 2503, located on the Keowee, Little, Whitewater, Toxaway, Thompson, and Horsepasture Rivers in Oconee and Pickens Counties, S.C., and Transylvania County, N.C.

Licensee seeks Commission approval of an agreement to permit withdrawal of water from Lake Keowee for municipal purposes and easements over project lands for the construction of a water supply intake structure and appurtenant facilities.

The water withdrawal agreement would be between the licensee and the commissioners of public works of the city of Greenville, S.C., for the purpose of providing a supplemental source of municipal water supply for the city of Greenville and its environs in Greenville and Pickens Counties. The city's present water supply will need to be supplemented by the early 1980's. The agreement provides for withdrawal of an average 5 million gallons per day (maximum 12 million gallons) beginning in 1985 with incremental periodic increases up to an average of 90 million gallons per day (maximum 150 million gallons) by the year 2020. Compensatory payments to the licensee would be on the basis of replacement cost of the electricity that would have been generated by the amount of water withdrawn.

The water intake structure, pumping station, access road and bridge, inspection boat landing, and a part of the discharge pipeline would be located on Lake Keowee in Oconee County, S.C., within the project boundary.

Any person desiring to be heard or to make protest with reference to said application should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11062 Filed 6-1-73;8:45 am]

[Docket No. CP70-137]

EL PASO NATURAL GAS CO.

Notice of Petition to Amend

MAY 24, 1973.

Take notice that on May 1, 1973, El Paso Natural Gas Co. (Petitioner) P.O. Box 1492, El Paso, Tex. 79978, filed in docket No. CP70-137 a petition to amend the Commission's orders of May 12, 1970 (43 FPC 7233), as amended on July 28, 1971 (46 FPC 232), and November 1, 1972 (48 FPC —), in said docket pursuant to section 7(c) of the Natural Gas Act by extending the time within which Petitioner shall complete and place into actual operation certain authorized facilities, by authorizing a change in the location of certain certificated facilities and by authorizing the construction and operation of certain modifications to existing facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the amending order of November 1, 1972, Petitioner was authorized to construct and place into actual operation approximately 9.3 miles of 30-in-o.d. loop pipeline in Clark County, Wash., and one 3,000 horsepower gas turbine-driven centrifugal compressor unit at Petitioner's grants pass lateral within 36 months from the date of the original authorization in docket No. CP70-137, May 12, 1970. Petitioner states that due to inclement winter weather conditions, ecology restrictions, and efforts to avoid possible service interruptions during heating season operations, it has not commenced construction of these loop pipelines and compression facilities.

Accordingly, Petitioner requests an extension of time through November 1, 1973, within which to place the authorized facilities in actual operation so as to assure that such facilities will be available for use during the 1973-74 winter heating season.

Petitioner also requests authorization to relocate the 9.3-mile authorized loop facility from its initially proposed route from milepost 1225.42 to Petitioner's compressor station No. 15B to a new route from the terminus of Petitioner's existing facilities at milepost 1239.4 to milepost 1230.1, looping an existing 26-in O.D. pipeline. Petitioner states that the new location will provide increased reliability, protection of service and system flexibility in the Portland, Oreg., and Vancouver, Washington, service areas, will minimize the environmental impact of installing the facilities and may result in a reduction of cost by as much as $645,000.

Petitioner also requests authorization to modify certain existing sales meter facilities to insure continuous and accurate measurement at the following meter stations:

Meter station:	*Location*
Canyonville	Douglas County, Oreg.
Hermiston	Umatilla County, Oreg.
Sumas	Whatcom County, Wash.
Walla Walla	Walla Walla County, Wash.
Goldendale	Klickitat County, Wash.
Stevenson No. 2	Skamania County, Wash.
American Falls	Power County, Wash.
Filer	Twin Falls County, Idaho
Idaho State Penitentiary	Ada County, Idaho
Lava Hot Springs	Bannock County, Idaho
Creswell	Lane County, Oreg.
Jefferson-Scio	Linn County, Oreg.
Ridgefield	Clark County, Wash.
Toledo	Lewis County, Wash.
Winlock	Lewis County, Wash.
Yelm	Thurston County, Wash.

Petitioner estimates the total cost of these modifications at $107,259, which it plans to finance from working funds supplemented, if necessary, by short-term borrowings. Petitioner indicates that no new or additional sales of natural gas will result from the construction of these facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 18, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11055 Filed 6-1-73;8:45 am]

[Docket No. E-8119]

GULF STATES UTILITIES CO.

Change in Delivery Point

MAY 30, 1973.

Take notice that on April 10, 1973, Gulf States Utilities Co. (Applicant) filed with the Federal Power Commission an application requesting approval under Applicant's rate schedule FPC No. 76 for an additional delivery point. This additional delivery point is to be designated "Walden," and located approximately 700 feet north of Walden Substation on the north boundary of Walden subdivision on Lake Conroe, near Conroe, Tex. The application states that service at this point will be 180 kW over a 7.6-kV line, and gives an effective date for the connection as March 16, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11067 Filed 6-1-73;8:45 am]

[Docket No. E-8179]

GULF STATES UTILITIES CO.

Proposed Change in Rate Schedule

MAY 30, 1973.

Take notice that on May 4, 1973, Gulf States Utilities Co. (Gulf States) tendered for filing a proposed change in its FPC Rate Schedule No. 72 The filing was a copy of a letter agreement with Southwest Louisiana Electric Membership Corp. dated August 10, 1970.

Gulf States states that the agreement provides for the following: (1) Extends the present contract term to August 1, 1983, (2) adds a fuel clause to present rate schedule REA to be effective after August 1, 1973, (3) revises the points-of-delivery provisions, and (4) adds a provision concerning service interruptions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11073 Filed 6-1-73;8:45 am]

[Docket No. CI73-747]

INEXCO OIL CO.

Notice of Application Pursuant to Section 2.75 of the Commission's General Policy and Interpretations

MAY 30, 1973.

Take notice that on May 3, 1973, Inexco Oil Co. (Applicant), 12th floor, Houston Club Building, Houston, Tex. 77002, filed in docket No. CI73-747 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipe Line Co. of America (Natural) from the Strong City area, Roger Mills County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional gas pricing procedure to sell natural gas to Natural from the Strong City area at an initial rate of 50c/M ft³ at 14.65 lb/in²a subject to upward and downward British thermal unit adjustment pursuant to the terms of a contract dated April 1, 1973. Said contract provides for 1c/M ft³ price escalations each year, for reimbursement to Applicant for any additional or increased taxes, and for a contract term of 20 years. Applicant estimates monthly deliveries of gas to be 210,000 M ft³.

Applicant states that the gas involved herein is the subject of a dispute between it and Natural in a lawsuit filed in the District Court of Roger Mills County, Okla., as case No. C-27-17. Applicant states that the lawsuit has had the effect of postponing the sale and delivery of gas to an interstate purchaser and could in the future cause the gas to be sold to an intrastate purchaser for a price of 52c/M ft³. It is stated that the approval of this application will result in the dismissal of the lawsuit and assure that the gas will be delivered into the interstate market.

Applicant asserts that the price requested herein is significantly lower than comparative prices for:

1. Liquefield natural gas,
2. Synthetic gas from naphtha, other hydrocarbons, and coal gasification;
3. Alaskan and Canadian gas, and
4. Recent intrastate sales.

Applicant alleges that it has been offered 55¢/M ft³ for gas in Oklahoma. Applicant also asserts that the Commission's staff estimate of nationwide costs for new gas in the rulemaking proceeding in docket No. R-389-B, plus an incentive of 10¢/M ft³ for newly discovered reservoirs, supports the instant proposal. Applicant believes that the instant proposal will help provide the necessary incentives to all producers of natural gas in order to assure the maximum domestic exploration, development, and timely commitment into the interstate market of natural gas reserves at the lowest reasonable cost.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11052 Filed 6-1-73;8:45 am]

[Docket No. CI73-674]

JONES & PELLOW OIL CO.

Notice of Extension of Time

MAY 25, 1973.

On May 23, 1973, Jones & Pellow Oil Co. and Natural Gas Pipeline Co. of America filed requests for an extension of time to file evidence as required by the order issued May 21, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including June 8, 1973, within which to file testimony in the above matter. The hearing will be held as scheduled at 10 a.m., June 18, 1973, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11032 Filed 6-1-73;8:45 am]

[Docket No. CP73-224]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Amendment to Application

MAY 21, 1973.

Take notice that on May 9, 1973, Kansas-Nebraska Natural Gas Co., Inc. (Applicant), P.O. Box 608, Hastings, Nebr. 68901, filed an amendment to its application pending in docket No. CP73-224 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a new winter period service (WPS) for Applicant's jurisdictional customers, all as more fully set forth in the application and amendment on file with the Commission and open to public inspection.

In its application in docket No. CP73-224, among other things, Applicant proposes to provide WPS to its jurisdictional customers during the period from December 1 through the following March 31 of each winter. After discussions with its jurisdictional customers and upon their suggestions, Applicant now proposes to make WPS available from November 1 through the following March 31. Applicant contends that the extension is necessary because of climatic conditions that may prevail over its system during the month of November.

Any person desiring to be heard or to make any protest with reference to said application, as amended, should on or before June 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene need not file again.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11064 Filed 6-1-73;8:45 am]

[Docket No. E-8172]

KENTUCKY UTILITIES CO.

Proposed Changes in Rates and Charges

MAY 30, 1973.

Take notice that on May 1, 1973, Kentucky Utilities Co. filed in docket No. E-8172 certain amendments to its wholesale for resale contracts incorporating a new rate schedule for all requirements wholesale service to 10 municipalities, and certain other customers in Kentucky and Virginia. The new rate schedule is designated WPS-73. Kentucky Utilities also filed herein a contract amendment increasing the energy charge provided in the interchange agreement under which Kentucky Utilities provides partial requirement service to the city of Paris, Ky. Rate schedule WPS-73 and the amendment to the Paris contract provide for a new fuel adjustment clause to replace the currently effective fuel adjustment clause.

The above rate provisions are proposed to become effective July 1, 1973. Kentucky Utilities states that they would produce an increase in annual revenues of $733,000 on the basis of a 12-month test period ended July 31, 1972. Kentucky Utilities further states that the objective of the present filing is to bring the company's wholesale rates to a level more nearly reflecting the substantial increases in virtually all costs which it has experienced in recent years.

Copies of the filing were served upon the affected customers and the regulatory commissions of Kentucky and Virginia.

Any person desiring to be heard or to protest the subject filing by Kentucky Utilities Co. should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before June 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of Kentucky Utilities' filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11068 Filed 6-1-73;8:45 am]

[Docket No. CI73-783]

LONE STAR EXPLORATION, INC.

Notice of Application

MAY 24, 1973.

Take notice that on May 14, 1973, Lone Star Exploration, Inc. (Applicant), 2010 Republic National Bank Tower, Dallas, Tex. 75201, filed in docket No. CI73-783 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Southwest Tatum, Hosston-Cotton Valley Field, Rusk County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes commencing by June 26, 1973, to sell up to 5,000 M ft^3 of natural gas per day for 1 year at 40 c/M ft^3 at 14.65 lb/in^2 a, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant states that gas is currently being sold from the subject wells to United Gas Pipe Line Co. under a certificate issued in docket No. CI72-817. In the latter docket Applicant is authorized to sell gas at 35 c/M ft^3 for 1 year from June 26, 1972, within the contemplation of § 2.70.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11061 Filed 6-1-73;8:45 am]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges

MAY 25, 1973.

Take notice that on May 7, 1973, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) tendered for filing sheets Nos. 317 through 329 designated as rate schedule X-34 to Michigan Wisconsin's FPC Gas Tariff, first revised volume No. 2. Michigan Wisconsin states that this filing reflects a deferred exchange of natural gas between Trunkline Gas Co. (Trunkline) and Michigan Wisconsin and the transportation of gas by Panhandle and Trunkline for the account of Michigan Wisconsin, Michigan Wisconsin requests a waiver of the requirements of part 154 of the Commission's regulations under the Natural Gas Act to the extent necessary to permit these tariff sheets to be accepted for filing and made effective on April 6, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11035 Filed 6-1-73;8:45 am]

[Docket No. CP73-303]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

MAY 29, 1973.

Take notice that on May 15, 1973, Michigan Wisconsin Pipe Line Co. (Applicant), 1 Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP73-303 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing July 13, 1973, and operation of certain natural gas facilities to enable Applicant to take into its pipeline system supplies of natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed $7 million, with no single offshore project costing in excess of $1,750,000 and no single onshore project costing in excess of $1 million. Applicant states that these costs will be financed from funds generated by normal operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1973, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by §§ 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11077 Filed 6-1-73;8:45 am]

[Dockets Nos. G-18419, et al.; RP64-38]

MICHIGAN WISCONSIN PIPE LINE CO.

Refunds and Refund Plan

MAY 25, 1973.

Take notice that on September 30, 1968, Michigan Wisconsin Pipe Line Co. filed in Docket No. RP64-38 a report showing refunds made to its customers in the amount of $852,463 covering the period September 1, 1966, through May 31, 1968. These refunds represent the flowthrough by Michigan Wisconsin of refunds received from its suppliers.

On October 22, 1968, Michigan Wisconsin filed in Docket No. G-18419, et al., a proposed plan to refund to its customers the amount of $1,025,792, covering various periods from 1960 through August 31, 1966. These refunds also represent the flowthrough by Michigan Wisconsin of various supplier refunds.

Michigan Wisconsin's refund report filed in Docket No. RP64-38 and its proposed plan of refunds filed in Docket No. G-18419, et al. are on file with the Commission and available for public inspection. Comments or protests concerning the above filings should be submitted on or before June 5, 1973, together with appropriate supporting data.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11065 Filed 6-1-73;8:45 am]

[Docket No. RP72-149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Certification of Proposed Settlement Agreement

MAY 24, 1973.

Take notice that on March 2, 1973, Presiding Administrative Law Judge Arthur H. Fribourg certified to the Commission a proposed settlement agreement in the above captioned docket number. The proposed agreement purports to be a settlement between Mississippi River Transmission Corp. (MRT) and Arkansas-Missouri Power Co., Laclede Gas Co., Union Electric Co., Illinois Power Co. and Arkansas Louisiana Gas Co.

The proposed agreement provides for a settlement cost of service for jurisdictional purposes of $90,200,000. Significant provisions in the proposed agreement include:

(a) a demand charge adjustment which provides that there shall be no adjustment in demand charge for MRT's failure, where deliveries are curtailed under section 8 of its general terms and conditions, to deliver to its customers those quantities of gas requested on any day up to the contract demand which represent interruptible boiler fuel requirements for electric generation or interruptible requirements under contracts dated January 1, 1973, or thereafter,

(b) a force majeure clause charging a buyer 75c/M ft³ when force majeure conditions on the buyer's system force the buyer to overrun his contract demand or entitlement during curtailment,

(c) an exploration and development program based upon pricing MRT's company-owned production on an area price rather than a cost of service price,

(d) a tracker allowing MRT to reflect increased costs attributable to the gathering and transportation of new gas supplies to MRT's existing system,

(e) a moratorium prohibiting MRT from placing increases in jurisdictional

rates into effect prior to October 1, 1974.

Any person desiring to make comments on said proposed settlement agreement should file written comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments should be filed on or before June 4, 1973. Copies of the proposed settlement agreement are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11041 Filed 6-1-73;8:45 am]

[Docket No. E-8186]

MISSOURI POWER & LIGHT CO.

Notice of Wholesale Electric Service Agreement

MAY 29, 1973.

Take notice that Missouri Power & Light Co. (MPL), on May 7, 1973, tendered for filing a proposed electric wholesale service agreement between it and the city of Canton, Mo.

MPL states that service under the contract is scheduled to commence on January 1, 1974. The company says that under the rate schedule, it agrees to sell to the city of Canton the electric energy requirements above the output of city of Canton's existing power facilities and that the municipal power system will be operated during company's peak period but will not be required to operate more than 40 hours per week. MPL maintains that it will supply 7,500 kVA of electrical capacity of 3-phase, 60-Hz frequency, at approximately 7,200/12,470 wye volts. The company says that the point of delivery at which electric service is applied is on the 7,200/12,470 wye volt bus of the company-owned substation located in the west part of the city of Canton.

MPL further states the rate under the contract, with minor modifications, is identical to current contracts on file with the Federal Power Commission relating to the cities of Owensville and Kahoka, Mo., FPC rate schedules Nos. 41 and 38, respectively. MPL considers this to be a standard rate where the municipality has auxiliary generation, and that the rate of return derived from sales under this rate is substantially equal to MPL's overall rate of return. MPL concludes that the proposed rate to the city of Canton, Mo., is an established rate for municipalities which have generation facilities and that the rate offered the city of Canton is a standard rate on file currently with the Federal Power Commission. MPL says that it has no other rates for municipalities with generation.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11044 Filed 6-1-73;8:45 am]

[Docket No. CI73-768]

MUSTANG EXPLORATION CO., INC.

Notice of Application

MAY 24, 1973.

Take notice that on May 14, 1973, Mustang Exploration Co., Inc. (Applicant), Victoria Street and Highway 59, Louise, Tex. 77455, filed in docket No. CI73-768 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corp., from the North Louise Field Area, Wharton County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29). and proposes to continue said sale for 3 years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 4,000 M ft^3 of gas per day, plus additional volumes which may be available, at 45c/M ft^3 at 14.65 lb/in^2a, subject to upward British thermal unit adjustment not to exceed 1c/M ft^3.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should, on or before June 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11063 Filed 6-1-73;8:45 am]

[Docket No. CP73-305]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

MAY 29, 1973.

Take notice that on May 16, 1973, Natural Gas Pipeline Co. of America (Applicant) 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP73-305 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a central field compressor station at the junction of its 24-inch gathering line and 30-inch transmission line in Ward County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install a total of 1,370 hp of compression on the site of its existing purification plant No. 160 in Ward County, Tex., for the purpose of maintaining required daily deliverability from the Lockridge area. Applicant states that the addition of this compressor will allow Applicant to offset declining reservoir pressures in its gathering system. The estimated cost of this facility is $403,000 to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11076 Filed 6-1-73;8:45 am]

[Docket No. E-8088]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Supplemental Exhibit to Service Agreement

MAY 24, 1973.

Take notice that Northern Indiana Public Service Co. on January 13, 1973, filed in docket No. E-8088, a supplementary exhibit B, sheet No. B-5, to its service agreement with Lagrange County Rural Electric Membership Corp., dated September 24, 1972.

The exhibit indicated that a new delivery point for power transmission will be established on December 1, 1972, at the Wolcottville delivery point in section 27, T. 36 N., R. 10 E., Johnson Township, Lagrange County, Ind. The delivery voltage at this point will be 12,500V. The effective date of the proposed rate is December 1, 1972, at a proposed rate of $83 one-sixtieth of the initial construction cost for this delivery point.

Any person desiring to be heard or to make any protest with reference to said supplemental exhibit should on or before June 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The exhibit is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11039 Filed 6-1-73;8:45 am]

[Docket No. CP73-286]

NORTHERN NATURAL GAS CO.

Notice of Application

MAY 29, 1973.

Take notice that on April 23, 1973, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in docket No. CP73-286 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery and sale of additional natural gas volumes to Northern Illinois Gas Co. (NI-Gas) during the months of April through October 1973 and the subsequent reduction of contract demand deliveries to NI-Gas during the months of November 1973 through March 1974, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that under terms of an agreement between it and NI-Gas dated March 5, 1973, Applicant will deliver to NI-Gas during the period April 1, 1973, through October 31, 1973, up to 10,800,000 M ft³ of natural gas which NI-Gas will cause to be injected into its natural gas storage fields near Troy Grove, Ill. In exchange for such delivery of natural gas, Applicant indicates that it will reduce contract demand deliveries to NI-Gas during the period November 1, 1973, through March 31, 1974, by a total amount equal to one-third of the volume of gas delivered to NI-Gas during the summer months, but not to exceed a total volume of 3,600,000 M ft³.

Applicant states that the natural gas volumes which will be delivered by it to NI-Gas are expected to be available on Applicant's system during the summer months in excess of its storage replenishment and the customers' requirements within contract demand which gas would otherwise be sold for interruptible industrial use as AOS (authorized overrun service) gas. Therefore, according to Applicant, no curtailment below contract demand is anticipated to occur on its system as a result of these deliveries. Applicant alleges that this delivery arrangement with NI-Gas will have the effect of converting summertime off-peak gas supplies to wintertime high priority end-use utilization by the customers of Applicant and NI-Gas and thus assist Applicant and NI-gas in meeting the requirements of their customers during the 1973-74 heating season.

Applicant indicates that NI-Gas will pay, for natural gas volumes delivered under the March 5, 1973 agreement, charges determined as follows:

(a) One-third of all equivalent 1,000 Btu gas delivered on any day in any billing months shall be at a charge per M ft³ equal to the commodity charge in effect on the day of delivery under Applicant's rate schedule PL-1, rate zone 3; and

(b) Two-thirds of all equivalent 1,000 Btu natural gas delivered on any day in any billing month shall be at a charge equal to the effective 100-percent load factor rate in effect on the day of such delivery under Applicant's rate schedule PL-1, rate zone 3.

Applicant indicates that, in order to accommodate the physical delivery of gas volumes to NI-Gas under the predelivery arrangement, Applicant has entered into an agreement with Natural Gas Pipeline Co. of America (Natural) dated March 1, 1973, for transportation and delivery of said volumes.

Applicant proposes no additional facilities in this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11058 Filed 6-1-73;8:45 am]

[Docket No. CP73-287]

NORTHERN NATURAL GAS CO.

Notice of Application

MAY 29, 1973.

Take notice that on April 23, 1973, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebr. 68102, filed in docket No. CP73-287 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the liquefaction, storage, and vaporization of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate a liquefied natural gas (LNG) peak-shaving plant to be located on its pipeline system in Carlton County, Minn. This plant, according to Applicant, will enable it to liquefy natural gas at a rate of 10,000 M ft³/d for storage in a holding tank with a net capacity of 2 million M ft³ of vaporous gas equivalent with a maximum vaporization and send-out design rate of 200,000 M ft³ of vaporous gas per day for 10 days. These LNG facilities will be utilized by Applicant to husband summer month gas volumes usually used by low priority customers in order to have natural gas available to high priority customers during the winter months.

Applicant estimates the cost of the LNG facilities to be $16,413,000, to be financed by funds generated through operations or, if necessary, short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10), and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11075 Filed 6-1-73;8:45 am]

[Docket No. E-8188]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

MAY 24, 1973.

Take notice that on May 9, 1973, Northwestern Public Service Co. (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing it to issue $15 million principal amount of 30-year first mortgage bonds. Applicant proposes to sell the bonds in compliance with the competitive bidding requirements of the Commission's regulations under the Federal Power Act. The bonds are to be issued under and secured by the lien of Applicant's indenture dated August 1, 1940, as amended and supplemented, and as to be further amended and supplemented by an additional supplemental indenture. It is presently contemplated that the bonds will be dated in 1973, and will mature in 2003.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of North Dakota, South Dakota, and Nebraska, with its principal business office being in Huron, S. Dak. Applicant is engaged in generating, transmitting, distributing and selling electric energy in the east central portion of South Dakota where it furnishes electric service in 108 communities and in distributing and selling natural gas in three Nebraska communities and in 24 communities in South Dakota.

The issue and sale of the bonds is part of the 1973 long term financing program planned by Applicant to raise approximately $21 million. The remainder of such program (for which an application is on file with the Commission in docket No. E-7920), consists of the proposed issue and sale of not to exceed 140,000 additional shares of Applicant's common stock and 30,000 shares of a new series of its cumulative preferred stock. It is anticipated that Applicant will not issue and sell the bonds until the sales of the common stock and cumulative preferred stock are assured.

The proceeds from the bonds will be used in part to pay $6,275,000 principal amount of Applicant's first mortgage bonds, 3 percent series, which mature October 1, 1973. The remainder of such proceeds, together with funds from the common stock and cumulative preferred stock issues previously mentioned, will be used to retire in whole or in part outstanding short term bank loan indebtedness, and, to the extent not so used, will be applied to payment of costs of Applicant's 1973 construction program.

As of April 1, 1973, Applicant had $6 million of short term bank loans outstanding which were incurred to finance a portion of Applicant's 1972 construction program. Applicant's expenditures for its 1972 construction program totaled approximately $12,911,000 of which approximately $8,835,000 was for the Big Stone electric plant project, $70,000 for other electric production facilities, $1,646,000 for electric transmission lines, $593,000 for major electric substations, $233,000 for routine extensions and additions to electric distribution systems, $1,128,000 for miscellaneous extensions and additions to gas distribution systems, and $406,000 for miscellaneous general and transportation facilities.

Applicant's 1973 construction expenditures are estimated to be $19,800,000, of which approximately $14,840,000 is for the Big Stone electric plant project, $1,028,300 is for other electric production projects, $684,000 is for major transmission lines, $358,700 is for major electric substations, $1,629,300 is for routine extensions and additions to electric systems, $898,400 is for routine extensions and additions to natural gas distribution systems, and $361,300 is for miscellaneous general and transportation facilities. The Big Stone electric plant project involves the construction of a jointly owned 440 MW generating plant and related transmission facilities near Big Stone City, S. Dak. The plant and the related facilities are scheduled for completion in 1975. Applicant shares in the cost of the plant in proportion to its 32.5 percent ownership interest.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 5, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11046 Filed 6-1-73;8:45 am]

[Docket No. E-8152]

OTTER TAIL POWER CO.

Notice of Filing

MAY 30, 1973.

Take notice that on April 23, 1973, Otter Tail Power Co. (Otter Tail), filed a "Complaint and Petition" in docket No. E-8152, responding to a request by the Village of Elbow Lake, Minn. (Elbow Lake).

Elbow Lake, a complainant before the Commission in docket No. E-7278, has requested Otter Tail to change its wholesale service arrangements to Elbow Lake as ordered in E-7278, to provide an interconnection to furnish wheeling service pursuant to the ruling of the Federal District Court in Minnesota in the case of United States of America v. Otter Tail Power Co., 331 F. Supp. 54 (September 9, 1971), as affirmed by the U.S. Supreme Court, Otter Tail Power Co. v. United States of America, U.S. —, 35 L. Ed. (2d) 359, 93 S. Ct. — (February 22, 1977).

By its submittal, Otter Tail petitions the Commission to determine (1) whether such an interconnection to provide wheeling service falls within the public interest and should be so ordered

under the Federal Power Act; (2) a compensatory rate for the furnishing of electric service, and the terms and conditions of such service, if the Elbow Lake request is found to be in the public interest under the Federal Power Act; and (3) an additional factor to be provided to prevent the fixed and embedded costs of Otter Tail dedicated to the previous level of service to Elbow Lake from being unduly passed on and borne by the remaining Otter Tail customers.

Any person desiring to be heard or to make any protest with reference to this filing should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The submittal is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11066 Filed 6-1-73;8:45 am]

[Docket No. E-8192]

POTOMAC ELECTRIC POWER CO.

Notice of Filing of Notice of Cancellation

MAY 29, 1973.

Take notice that Potomac Electric Power Co. (PEPCO), on May 8, 1973, tendered for filing a notice of cancellation of its rate schedule FPC No. 28 which was dated April 30, 1971, and provided for the purchase by Baltimore Gas & Electric Co. of energy and capacity from PEPCO's Morgantown plant. PEPCO states that the agreement was terminated by its own terms at the end of April 1973, and that no new rate schedule, or part thereof, is to be filed in its place. PEPCO also states that a copy of the notice of cancellation was conveyed to Baltimore Gas & Electric Co.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11045 Filed 6-1-73;8:45 am]

[Docket No. E-7742]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE

Certification of Proposed Settlement Agreement

MAY 30, 1973.

Take notice that on May 16, 1972, Presiding Administrative Law Judge Ernest O. Eisenberg certified to the Commission a proposed settlement agreement in the above-captioned docket number. The proposed agreement purports to be a settlement between Public Service Co. of New Hampshire (PSCNH) and New Hampshire Electric Cooperative, Inc., the towns of Ashland and Wolfeboro, N.H., and New Hampton Village Precinct, N.H., and Concord Electric Co., and Exeter and Hampton Electric Co.

The proposed settlement provides for a settlement cost of service for jurisdictional purposes of $9,010,463 with an overall 7.94 percent rate of return. Significant provisions in the proposed agreement include:

(a) The demand charge per kilovolt-ampere of maximum demand for service to the customer, other than the town of Wolfeboro, is changed from $3 to $2.95.

(b) The demand charge for kilowatt of maximum demand for service to the town of Wolfeboro is changed from $3.13 to $3.07.

(c) Except for services to the town of Wolfeboro, the ratchet provision is changed so that the exempted amount is 1,500 kVA, instead of the current exemption of 200 kVA. For service to the town of Wolfeboro, the ratchet provision is changed so that the exempted amount is 1,500 kW instead of 200 kW.

(d) The energy charge per kilowatt-hour is reduced from 0.75 cents to 0.73 cents.

(e) The company agrees that it will not file with the Federal Power Commission any proposed increases in its resale service rates to the customers as revised in accordance with this article prior to January 1, 1974.

(f) A provision which reserves the issue of the fuel clause because it may not conform to Commission Opinion No. 633.

Any person desiring to make comments on said proposed settlement agreement should file written comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such comments should be filed on or before June 22, 1973. Copies of the proposed settlement agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11072 Filed 6-1-73;8:45 am]

[Project No. 516]

SOUTH CAROLINA ELECTRIC & GAS CO.

Application for Change in Land Rights

MAY 24, 1973.

Public notice is hereby given that application for approval of a change in land rights was filed March 9, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the South Carolina Electric & Gas Co. (correspondence to Richard M. Merriman, Esq., Peyton G. Bowman III, Esq., and Brian J. McManus, Esq., all of Reid & Priest, 1701 K Street NW., Washington, D.C. 20006; and George H. Fisher III, Esq., vice president and general counsel, and Edward C. Roberts, Esq., both of South Carolina Electric & Gas Co., P.O. Box 764, Columbia, S.C. 29202), licensee for Saluda Project No. 516 which is located on the Saluda River and its tributaries in Lexington, Newberry, Richland, and Saluda Counties, S.C., near the city of Columbia and town of Lexington, S.C.

The applicant proposes to grant easement to Edgewater Shores Development, a partnership organized under the laws of South Carolina, for (1) the construction of a submerged 8-inch effluent pipeline extending about 800 feet into and along the bottom of Lake Murray for the discharge of treated effluent; and (2) for the construction of two concrete boat ramps and the right to install and maintain associated floating dock facilities.

The land for which the rights are proposed to be conveyed is located in Newberry County, S.C., School District No. 6, in the vicinity of Macedonia Church.

The grantee proposes to construct a planned community development known as Edgewater Shores on the mainland shores of Lake Murray on grantee's land outside the boundary of project No. 516. As part of the planned community, grantee proposes to construct and operate a waste treatment plant to provide tertiary treatment for the effluent produced by the estimated 700 people who will reside in the development during the peak recreational season. The grantee also proposes to construct concrete ramps and floating docks for the recreational enjoyment of the community residents.

Any person desiring to be heard or to make protest with reference to said application should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11060 Filed 6-1-73;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Proposed Changes in Rates and Charges

MAY 24, 1973.

Take notice that on May 7, 1973, South Georgia Natural Gas Co. (South Georgia) tendered for filing the following:

Substitute first revised sheet No. 3A.
Substitute 26th revised sheet No. 5.
Substitute 25th revised sheet No. 6.
Substitute 17th revised sheet No. 9.
Substitute 16th revised sheet No. 11.
Substitute 20th revised sheet No. 12B.

According to South Georgia, this filing reflects changes in South Georgia's rate for the purpose of tracking a rate increase filing by Southern Natural Gas Co. (Southern), South Georgia's sole supplier, effective April 16, 1973. Southern's rate increase filing was made under Southern's purchased gas adjustment (PGA) clause to reflect increased purchased gas costs to Southern from Sea Robin Pipeline Co.

South Georgia states that pursuant to section 14 of South Georgia's PGA clause, Southern's increase will increase South Georgia's cost of purchased gas to its jurisdictional customers by $302,512. South Georgia states further that in accordance with the Commission's order of April 13, 1973, the effective date of the substitute tariff sheets filed herewith is April 16, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11059 Filed 6-1-73;8:45 am]

[Docket No. RP73-49]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

MAY 29, 1973.

Take notice that on May 7, 1973, South Georgia Natural Gas Co. (South Georgia) tendered for filing the following substitute revised tariff sheets:

Substitute original sheet No. 3A.
Substitute second revised sheet No. 19B.
Substitute original sheet No. 19C.
Substitute original sheet No. 19D.
Substitute original sheet No. 19E.
Substitute original sheet No. 19F.

According to South Georgia, substitute sheets Nos. 3A, 19B, 19C, 19D, 19E, and 19F constitute a PGA clause conforming to the Commission's order of April 13, 1973.

South Georgia states that substitute original sheet No. 3A changes only the effective date from the proposed date of August 12, 1972, to the Commission approved date of April 14, 1973.

South Georgia states further that substitute second revised sheet No. 19B is revised by substituting in § 14.1(b) "Supplier Rates" presently effective, and that such change is necessary to accomplish the Commission's denial of South Georgia's request to increase rates to recover the increased purchased gas costs related to Southern's Dockets Nos. RP72-91 and RP73-16.

In addition South Georgia states that substitute original sheet No. 190 is revised by substituting a new § 14.1(c) so as to provide consistency with Commission's Orders Nos. 452 and 452-A and § 154.38(d)(4) of the Commission's regulations, substitute original sheet No. 19D is revised by substituting the date of April 14, 1973, for the date of August 12, 1972, in § 14.2(d), and substitute original sheets Nos. 19E and 19F change only the effective date from the proposed date of August 12, 1972, to the Commission approved date of April 14, 1973.

South Georgia proposes that in accordance with the Commission's order of April 13, 1973, the effective date of the substitute tariff sheets be April 14, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 6, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11043 Filed 6-1-73;8:45 am]

[Docket No. RP73-64]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

MAY 24, 1973.

Take notice that on May 15, 1973, Southern Natural Gas Co. (Southern) tendered for filing third revised sheet No. 4A. Southern states that this tariff sheet, entitled "Original PGA-1," reflects a current adjustment to Southern's jurisdictional rates to provide additional revenues of $4,240,918 due to increased costs of purchased gas. The filing also provides for the recovery over the succeeding 6-month period of $372,877 of jurisdictional costs accumulated in Account 191, Unrecovered Purchased Gas Cost, as shown in schedule No. 5 attached hereto.

Southern requests that third revised sheet No. 4A be made effective on July 1, 1973.

Southern requests if the Commission modifies its order of April 13, 1973, in docket No. RP73-87, as requested by Southern in its application for rehearing dated May 10, 1973, and/or allows Southern to place in effect increased rates reflecting increased cost of gas supply as proposed by Southern in said docket, that alternate third revised sheet No. 4A included herewith be made effective on July 1, 1973, in lieu of third revised sheet No. 4A. According to Southern alternate third revised sheet No. 4A reflects base tariff rates which include the above cited increased cost of acquiring gas supplies of approximately $1,900,000.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 7, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11040 Filed 6-1-73;8:45 am]

[Docket No. RP73-99]

SOUTHWEST GAS CORP.

Order Accepting for Filing and Suspending Proposed Revised Tariff Sheets and Providing for Hearing

MAY 25, 1973.

On April 25, 1973, Southwest Gas Corp. (Southwest) tendered for filing proposed changes in its FPC gas tariff, original volume No. 1[1] which would increase jurisdictional revenues by $279,375 based on the 12-month period ended December 31, 1972, as adjusted for known and measurable changes during the succeeding 9 months. Southwest states that the proposed change in rates is due to an increase in all items of cost including a proposed rate of return of 9.38 percent. The proposed effective date is May 26, 1973. Southwest's filing was noticed on

[1] Third revised tariff sheet No. 3A.

May 7, 1973, with comments due on or before May 18, 1973.

Review of Southwest's filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Southwest's FPC gas tariff, as proposed to be amended in this docket, and that the tendered tariff sheets be suspended and the use thereof deferred as hereinafter provided.

(2) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing into effect of the tariff changes applied for in this proceeding, subject to refund, with interest, while pending Commission determination as to their justness and reasonableness, is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held, commencing with a prehearing conference on September 11, 1973, at 10 a.m., e.d.t. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Southwest's gas tariff, as proposed to be amended herein.

(B) At the prehearing conference on September 11, 1973, Southwest's prepared testimony (statement P) together with its entire rate filing shall be admitted to the record as its case-in-chief subject to appropriate motions, if any, by parties to the proceeding.

(C) On or before September 4, 1973, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before September 18, 1973. Any rebuttal evidence by Southwest shall be served on or before October 2, 1973. The public hearing herein ordered shall convene on October 16, 1973, at 10 a.m., e.d.t.

(D) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Pending hearing and a decision thereon Southwest's proposed revised tariff sheet, noted in footnote 1, is accepted for filing, suspended and the use thereof deferred for 5 months until October 26, 1973, and until such further time as it is made effective in the manner provided in the Natural Gas Act.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11056 Filed 6-1-73;8:45 am]

[Rate Schedule Nos. 27, etc.]

SUN OIL CO.

Notice of Rate Change Filings

MAY 25, 1973.

Take notice that the producer listed in the appendix attached hereto has filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the appendix below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before June 4, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11033 Filed 6-1-73;8:45 am]

[Docket No. CP72-295]

TENNESSEE GAS PIPELINE CO.

Notice of Proposed Changes in FPC Gas Tariff

MAY 24, 1973.

Take notice that Tennessee Gas Pipeline Co. (Tennessee), a division of Tenneco, Inc., on May 4, 1973, tendered for filing proposed changes in its FPC Gas Tariff, sixth revised volume No. 2.

Tennessee states that the proposed changes comprise rate schedule X-39, an exchange agreement entered into by Tennessee, Columbia Gulf Transmission Co. (Columbia), and Natural Gas Pipeline Co. of America (Natural), dated May 2, 1972, which provides for the delivery of natural gas from Texaco, Inc. (Texaco), for Natural's account to Tennessee at an exchange point in Terrebonne Parish, La., and for the delivery of natural gas from Sea Robin Pipeline Co. (Sea Robin) for Tennessee's account to Columbia at an exchange point near Erath, La., and for the redelivery of natural gas from Columbia to Natural at an exchange point near Erath, La. Tennessee states further that if the gas delivered to Tennessee by Texaco exceeds the gas delivered to Natural, Tennessee will deliver the excess gas to Natural at an exchange point in Cameron Parish, La. Tennessee requests waiver of the 30-day-notice requirement so that the enclosed tariff sheets may become effective on April 13, 1973. According to Tennessee copies of the filing were served upon Natural and Columbia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11038 Filed 6-1-73;8:45 am]

[Docket No. CP73-182]

TENNESSEE GAS PIPELINE CO.

Notice of Proposed Changes in FPC Gas Tariff

MAY 24, 1973.

Take notice that Tennessee Gas Pipeline Co. (Tennessee), a division of Tenneco Inc., on April 30, 1973, tendered for filing proposed changes in its FPC Gas Tariff, sixth revised volume No. 2.

According to Tennessee the proposed changes comprise rate schedule X-38, an exchange agreement entered into by Tennessee and Natural Gas Pipeline Co. of America (Natural), dated November 22, 1972, which provides for the delivery of natural gas from Exxon Corp. (formerly Humble Oil & Refining Co.) for Natural's account to Tennessee at an exchange point in Willacy County, Tex., and for the redelivery of natural gas from Tennessee to Natural at an exchange point in Willacy County, Tex. Additionally, Tennessee states that it may deliver to Natural gas in excess of the gas delivered to it from the Exxon sale to be accepted on a best efforts basis by Natural at the exchange point in Willacy County, Tex. for redelivery to Tennessee at an exchange point in Brooks County, Tex.

Tennessee states further that a copy of the filing was served upon Natural Gas Pipeline Co. of America.

In addition Tennessee requests waiver of the 30-day notice requirement so that the enclosed tariff sheets may become effective on April 5, 1973.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission, and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11037 Filed 6-1-73;8:45 am]

TENNESSEE GAS PIPELINE CO.

Notice of Proposed Changes in Rates and Charges

MAY 25, 1973.

Take notice that on May 2, 1973, Tennessee Gas Pipeline Co. (Tennessee) tendered for filing a gas sales contract dated June 1, 1973, between Tennessee Gas Pipeline Co. (Tennessee), as seller, and Springfield Gas Light Co. (Springfield), as buyer. Tennessee requests that the Commission allow the enclosed gas sales contract to become effective 30 days after filing.

Tennessee states that it has been serving Springfield under its general service rate schedule G-6 and the terms of a gas sales contract between the parties dated January 10, 1973. Tennessee states further that because of certain operations which Springfield will commence on June 1, 1973, Springfield will no longer qualify for service under Tennessee's general service rate schedule G-6, and therefore, Tennessee and Springfield have agreed to supercede and cancel said contract of January 10, 1973, and to enter into the enclosed contract which provides for the sale and purchase under Tennessee's rate schedule CD-6.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11034 Filed 6-1-73;8:45 am]

[Dockets Nos. CP73-113, CI73-309]

TRANSWESTERN PIPELINE CO.

Notice of Proposed Changes in FPC Gas Tariff

MAY 24, 1973.

Take notice that Transwestern Pipeline Co. (Transwestern) on April 27, 1973, tendered for filing proposed changes in its FPC gas tariff, original volume No. 2. Transwestern states that the proposed changes consist of a new exchange agreement with Phillips Petroleum Co. designated as rate schedule X-10.

Transwestern states further that rate schedule X-10 provides for the exchange of gas by mutual dispatching arrangements between Transwestern and Phillips in Gray, Roberts, and Sherman Counties, Tex. According to Transwestern, certificate authorization for this exchange was granted by the Federal Power Commission by order issued February 26, 1973, in dockets Nos. CP73-113 and CI73-309. The proposed effective date of rate schedule X-10 is June 1, 1973.

In addition, Transwestern states that copies of the filing were served upon the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, and 1.10). All such petitions or protests should be filed on or before June 4, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-11036 Filed 6-1-73;8:45 am]

[Docket No. RP73-94]

VALLEY GAS TRANSMISSION, INC.

Notice of Substitute Filing of PGA Clause

MAY 29, 1973.

Take notice that on May 23, 1973, Valley Gas Transmission, Inc. (Valley) filed a purchased gas adjustment provision (PGA clause) in substitution for a PGA clause which was originally filed by Valley on March 30, 1973, and was rejected by the Commission in an order issued on May 14, 1973, without prejudice to Valley's refiling tariff sheets which would provide a consistent basis for establishing the base tariff rates and for computing PGA rate changes.

Valley states that it believes that the provisions for calculating changes in purchased gas costs in the original filing were consistent with the Commission's Order No. 452-B and are therefore being refiled but that the substitute filing provides a significant change in the calculation of base tariff rates by setting out base purchased gas charges calculated in order to segregate these charges between purchasers as they will actually receive the estimated volumes. Valley states that it believes that this method of calculation provides a consistent basis for calculating base purchased gas charges and base tariff rates and for calculating subsequent PGA rate changes.

Valley says that because of the change in method of calculating the purchased gas charges, the resultant base tariff rates are changed slightly from those which were originally filed. Valley states, however, that there will be no increase in its revenues because the changes are only designed to allow it to recover its total purchased gas costs.

Because the instant filing is in substitution for its original PGA clause, Valley requests that it be made effective as of May 16, 1973, the effective date of the rates which were suspended in the underlying rate case. Valley further states that only if it has a PGA clause in effect will it be able to commit itself to purchase incremental gas supplies which will be necessary to alleviate the impact of expected curtailments. Valley states that its purchasers have no objection to the slight changes in their rates or to the proposed effective date of May 16, 1973.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11042 Filed 6-1-73;8:45 am]

[Docket No. E-8120]

VIRGINIA ELECTRIC AND POWER CO.

Additional Delivery Point Under Existing Rate Schedule

MAY 30, 1973.

Take notice that on April 10, 1973, the Virginia Electric and Power Co. (Applicant) filed with the Federal Power Commission an application requesting approval for the establishment of a new

point of delivery to the Northern Piedmont Electric Cooperative, to be designated the Patton Delivery Point under Applicant's rate schedule F.P.C. No. 81. The application states that the new connection will be established 0.25 mi west and 3 mi south of Midland on Route 602 in Fauquier County, Va. The electricity provided at said point will be supplied at 60 cycles, 115,000 volts over Applicant's 115 kV line.

The unit cost of electricity to Northern Piedmont will remain unchanged as a result of the connection of these facilities. The effective date of the connection was to be January 25, 1973, and Applicant requests waiver of the Commission's timely filing requirements and that the connection be authorized as of the aforementioned date.

Any person desiring to be heard or to make any protest with reference to this filing should on or before June 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The submittal is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11069 Filed 6-1-73;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

Notice of Meeting

Task Force on Energy Conversion Research meeting to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., 1 p.m., June 11, 1973, room 5200.

1. Meeting called to order by FPC coordinating representative.
2. Approval of minutes of previous meeting:
3. Objectives and purposes of meeting:

A. Review status of the assessments of energy conversion technologies.

B. Consideration of plans for editing the task force report.

C. Discussion and consideration of the results of the task force effort.

D. Other business.

E. Dates for future meetings.

4. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee; which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11078 Filed 6-1-73;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON RESEARCH AND DEVELOPMENT

Notice of Meeting

Task Force on Energy Sources Research meeting, to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., 9:30 a.m., June 7, 1973, room 5200.

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and purposes of meeting.

A. Discussion of contents of Task Force Report with regard to:

1. Nuclear fuels.
2. Fossil fuels.
3. Geothermal Energy.
4. Solar Energy.
5. Organic Materials as fuel.

B. Discussion of important issues in preparing recommendations to the R. & D. Committee.

C. Other Business.

D. Schedule of future meetings.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11079 Filed 6-1-73;8:45 am]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORPORATION

Order Granting Request for Reconsideration

Atlantic Bancorporation, Jacksonville, Fla., has requested reconsideration of the order of November 22, 1972, whereby the Board of Governors denied the application of Atlantic Bancorporation for prior approval for the acquisition of not less than 80 percent of the voting shares of Bank of New Smyrna, New Smyrna Beach, Fla. (Bank), pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1842 (a)(3)).

This request for reconsideration is filed pursuant to § 262.3(g)(5) of the Board's rules of procedure which provides that the Board will not grant any request for reconsideration "unless the request presents relevant facts that, for good cause shown, were not previously presented to the Board, or unless it otherwise appears to the Board that reconsideration would be appropriate."

The Board has considered the material submitted in applicant's request for reconsideration and finds that it presents relevant facts that, for good cause shown, were not previously presented to the Board, and reconsideration otherwise appears appropriate. Accordingly, the request for reconsideration is hereby approved.

Comments and views regarding the proposed acquisition may be filed with the Board not later than June 15, 1973. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application, as supplemented by applicant's request for reconsideration, may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta.

By order of the Board of Governors,[1] effective May 24, 1973.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.73-10997 Filed 6-1-73;8:45 am]

CENTRAN BANCSHARES CORP.

Order Approving Acquisition of Peoples Investment Co.

Centran Bancshares Corp., Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4 (b)(2) of the Board's regulation Y, to acquire indirectly through a newly formed subsidiary, all of the voting shares of Peoples Investment Co., Louisville, Ky. (Peoples), a consumer finance holding company, which engages through its subsidiaries in the activities of making consumer finance loans, purchasing installment sales contracts, and leasing automobiles and industrial equipment. Through its insurance agency subsidiary, Fincastle Insurance Agency, Inc., Louisville, Ky., Peoples also engages in the sale of credit life, accident and health insurance, and mobile and vehicular damage insurance at the borrower's option, in connection with loans and discounts that are owned or originated by its subsidiary loan companies. Such activities, with the exception of automobile leasing, have been determined by the Board to be closely related to banking (12 CFR 225.4(a)).

Notice of the application affording opportunity for interested persons to submit comments and views on the public interest factors has been duly published (38 FR 6317). The time for filing comments has expired, and none has been timely received.

Applicant controls five banks with deposits of $1.3 billion representing about 5.4 percent of the total deposits of commercial banks in Ohio. Applicant has no nonbanking subsidiaries. However, through its lead bank, Central National Bank of Cleveland ($1.1 billion in deposits),[2] applicant has a nominal amount of installment loans outstanding in the Louisville, Nashville, and Cincinnati areas, and one equipment lease outstanding for $927,000 in the Cincinnati area.

Peoples is a consumer finance holding company,[3] with its 15 direct and indirect subsidiaries operating out of 7 offices: 4 in Louisville, Ky.; 1 in Covington, Ky.; one in Nashville, Tenn.;

[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

[2] All banking data are as of June 30, 1972.

[3] As of Sept. 30, 1972, Peoples had consolidated assets of $14.6 million.

and 1 in Cincinnati, Ohio. As of December 31, 1972, Peoples had $17 million in installment receivables, and the total volume of its equipment leases, distributed among 460 leases outstanding in 28 States, amounted to $1.1 million.

The proposed acquisition would have no significant adverse effect on existing competition as no meaningful competition would be eliminated by approval of this application. Applicant does appear to have the resources and managerial capability to enter markets served by Peoples through formation of its own consumer loan companies. However, there are numerous competitors in the markets served by Peoples' subsidiaries, including a number with regional or national affiliations; in addition, the many potential entrants and the relative ease of entry into the consumer finance business diminish any possible adverse effects that consummation of the proposed acquisition might have on potential competition. Due to the limited nature of the activity of Peoples' insurance subsidiary in acting as agent for the sale of credit insurance related to loans originated by Peoples' consumer finance subsidiaries, applicant's acquisition of Peoples would not appear to have a significantly adverse effect on competition in this product line. The Board concludes that consummation of the proposed acquisition would have no significant adverse effects on existing or potential competition in any relevant area.

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, or unsound banking practices. Approval of the application, by giving Peoples access to applicant's financial and managerial resources, should enhance its competitive effectiveness and enable it to expand the range of services it offers.

One of Peoples' Cincinnati subsidiaries, Peoples Leasing Co., presently engages in automobile leasing. Such leases, which are typically on a 24-month basis, account for about 6 percent of Peoples' total receivables. There is some question as to whether this activity comes within the literal language and/or intended scope of "leasing" as presently permitted by the Board to be conducted by bank holding companies (see § 225.4(a)(6) of regulation Y and 12 CFR 225.123(d)) and, further, the entire subject of leasing of both real and personal property is under review by the Board (37 FR 26534). Applicant has indicated its willingness to dispose of its automobile leases and discontinue auto leasing activities within 60 days as a condition for approval of this acquisition. In view of the foregoing, the Board believes it is in the public interest to condition its order herein on this undertaking.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors that the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved subject to applicant's undertaking to dispose of its automobile leases and discontinue all auto leasing activities within 60 days from consummation of the acquisition. This determination is subject further to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective May 24, 1973.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.73-10998 Filed 6-1-73;8:45 am]

U.N. BANCSHARES, INC.

Order Approving Acquisition of Bank

U.N. Bancshares, Inc., Springfield, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Boards' approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)), to acquire 90 percent or more of the voting shares of Bank of Taney County, Forsyth, Mo. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, the 12th largest banking organization and bank holding company in Missouri, controls three banks with aggregate deposits of approximately $127 million, representing 1 percent of total deposits in commercial banks in the State. (All banking data are as of June 30, 1972, and reflect bank holding company formations and acquisitions approved by the Board through Apr. 30, 1973.) Consummation of the proposal herein would increase applicant's proportionate share of the deposits in commercial banks in the State by less than 0.1 percentage point, and applicant's ranking among the State's banking organizations would remain unchanged.

Bank ($9.7 million in deposits) controls approximately 21 percent of the deposits in the Taney County banking market. Each of the two other banks in the revelant market is nearly twice the size of Bank (in terms of deposits). There is no significant existing competition between any of Applicant's subsidiary banks and Bank, nor is there a reasonable probability of competition developing in the future in view of, among other things, the distances between Bank and each of applicant's banking subsidiaries (none of which is located within 40 miles of Forsyth), and Missouri's restrictive branching laws. It appears, therefore, that consummation of the proposal is not likely to have any adverse effects on existing or potential competition. Indeed, affiliation with applicant may enhance the ability of Bank to compete with the two larger banks in Taney County.

The financial and managerial resources and future prospects of applicant and its subsidiaries are regarded as satisfactory and consistent with approval. The financial resources of Bank appear satisfactory; its prospects seem favorable; and its management is regarded as generally satisfactory. Considerations relating to convenience and needs lend weight toward approval as affiliation with applicant would better enable Bank to meet the anticipated increasing demands for real estate and commercial loans and other financial services as the area develops, and would allow Bank to offer trust services to the numerous retirees and others moving into eastern Taney County. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before June 25, 1973, or (b) later than August 24, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[4] effective May 24, 1973.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.73-10999 Filed 6-1-73;8:45 am]

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

[4] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Daane.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

GATEWAY COAL CO. AND HANNA COAL CO.

Applications for Renewal Permits; Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the interim mandatory dust standard (2.0 mg/m^3) have been received as follows:

(1) ICP Docket No. 20103, Gateway Coal Co., California, Pa., Gateway Mine, USBM ID No. 36 00906 0:
Section ID No. 005 (5 face entries).
Section ID No. 010 (1 face diagonal).
Section ID No. 018 (3 face entries).
Section ID No. 023 (0 face).
Section ID No. 027 (3 face 2 butt).
Section ID No. 029 (18 west).
Section ID No. 030 (2 face 14 butt).

Section ID No. 032 (4 face 1 butt).
Section ID No. 033 (4 face 2 butt).
Section ID No. 034 (5 face 9 butt right).
Section ID No. 035 (3 face 4 butt).
Section ID No. 036 (5 face 10 butt right).
Section ID No. 037 (4 face 5 butt).
Section ID No. 038 (4 west).
Section ID No. 039 (3 face 3 butt).
Section ID No. 040 (5 face 9 butt left).
Section ID No. 041 (5 face 10 butt left).
Section ID No. 042 (4 face A section).
Section ID No. 043 (2 face 13 butt right).
Section ID No. 044 (5 face 8 butt left).
Section ID No. 045 (3 face 2 butt).

(2) ICP Docket No. 20155, Hanna Coal Co., Hopedale, Ohio, Rose Valley No. 6 Mine, USBM ID No. 33 00957 0:
Section ID No. 014 (main north entries).
Section ID No. 020 (9 right off main south).
Section ID No. 021 (2 left off main north).
Section ID No. 022 (8 right off main south).
Section ID No. 023 (7 right off main south).
Section ID No. 024 (6 right off main south).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed by June 18, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MAY 30, 1973.

[FR Doc.73-11006 Filed 6-1-73;8:45 am]

LIBRARY OF CONGRESS

FEDERAL LIBRARY COMMITTEE

Reorganization and Functions

JUNE 1, 1973.

In recognition of the need for continued cooperation and concerted action the Federal Library Committee is hereby reorganized.

Membership of the Committee.—The permanent members of the Federal Library Committee will be the Librarian of Congress, the Director of the National Agricultural Library, the Director of the National Library of Medicine, representatives from each of the other executive departments, and delegates from the Atomic Energy Commission, the National Aeronautics and Space Administration, the National Science Foundation, the Smithsonian Institution, the Supreme Court of the United States, the U.S. Information Agency, the Veterans' Administration, and the Office of Presidential Libraries. Six members will be selected on a rotation basis by the permanent members of the committee from independent agencies, boards, committees, and commissions. These rotating members will serve 2-year terms. Ten regional members shall be selected on a rotating basis by the permanent members of the committee to represent Federal libraries following the geographic pattern developed by the Federal Regional Councils. These rotating regional members will serve 2-year terms. The 10 regional members, one from each of the 10 Federal regions, shall be voting members. In addition to the permanent representative from DOD, one nonvoting member shall be selected from each of the three services (U.S. Army, U.S. Navy, U.S. Air Force). These service members, who will serve for 2 years, will be selected by the permanent Department of Defense member from a slate provided by the Federal Library Committee. The membership in each service shall be rotated equitably among the special service, technical, and academic and school libraries in that service. DOD shall continue to have one voting member in the committee. The DOD representative may poll the three service members for their opinions before reaching a decision concerning his vote. A representative of the Office of Management and Budget, designated by the Budget Director, and others appointed by the Chairman, will meet with the committee as observers.

Designation of members.—Representatives of departments and agencies shall be designated by the Secretary of the department or head of the agency concerned. Permanent and rotating members shall be authorized to speak for the department or agency on library matters.

The Chairman of the Committee shall be the Librarian of Congress. The Chairman may make provision for another member of the committee, with the consent of the members, to act temporarily as Chairman. The Chairman may name other observers and may invite representatives of other agencies not represented on the committee to attend meetings or parts of meetings of the committee concerned with matters of interest to the agency and may invite other persons to attend as appropriate. The committee shall meet regularly once each month, and additional meetings may be called by the Chairman as necessary. In addition, the Chairman shall convene librarians of all agencies from time to time to consider and discuss common problems.

The Executive Director shall be appointed by the Chairman to pursue the work of the committee as appropriate.

Functions of the committee.—The committee shall on a Government-wide basis (1) consider policies and problems relating to Federal libraries, (2) evaluate existing Federal library programs and resources, (3) determine priorities among library issues requiring attention, (4) examine the organization and policies for acquiring, preserving, and making information available, (5) study the need for and potential of technological innovation in library practices, (6) study library budgeting and staffing problems, including the recruiting, education, training, and remuneration of librarians.

Within these areas the committee shall recommend policies and other measures (1) to achieve better utilization of Federal library resources and facilities, (2) to provide more effective planning, development, and operation of Federal libraries, (3) to promote optimum exchange of experience, skill and resources among Federal libraries, and as a consequence, (4) to promote more effective service to the Nation at large.

The committee shall consider and recommend measures for the implementation of Federal library policies and programs, and shall serve as a forum for the communication of information among Federal librarians and library users.

Termination.—Continuance of the committee shall be subject to biennial review.

Library of Congress, Washington, D.C.

[SEAL] L. QUINCY MUMFORD,
Librarian of Congress and Chairman, Federal Library Committee.

[FR Doc.73-11033 Filed 6-1-73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS; FEDERAL GRAPHICS EVALUATION ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Federal Graphics Evaluation Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on June 5, 1973 in Washington, D.C.

This meeting is for the purpose of Council review, discussion, and evaluation of grant applications. It has been determined by the Chairman in accordance with section 10(d) of the act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-11163 Filed 6-1-73;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Notice of Meeting

Notice is hereby given of a meeting to be held by the National Advisory Committee on Occupational Safety and Health established by section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 556).

The meeting will begin at 9 a.m. on June 11, 1973, in hearing room B, Interstate Commerce Commission Building, 12th and Constitution Avenue NW., Washington, D.C.

During the course of the meeting the subjects which will be discussed include the following:

(1) OSHA planning for training and education activities.

(2) Further discussion of OSHA response to recommendations of the NACOSH Subcommittee on State Programs.

(3) Report and recommendation on the NACOSH Subcommittee on Compliance.

Members of the public are invited to attend the proceedings.

Any written data, views, or arguments received by the Committee's executive secretary concerning the subjects to be considered on or before June 8, 1973, together with 25 duplicate copies, will be provided to the members and will be included in the minutes of the meeting.

Communications to the executive secretary should be addressed as follows:

Mr. Roger W. Grant, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room 1120b, 1726 M Street NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 31st day of May 1973.

ROGER W. GRANT,
Executive Secretary.

[FR Doc.73-11178 Filed 6-1-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3414]

DREYFUS FUND, INC.

Notice of Application for Order Exempting Proposed Transactions

Notice is hereby given that the Dreyfus Fund, Inc. (the Dreyfus Fund), 767 Fifth Avenue, New York, N.Y. 10022 which is registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (the Act), has filed an application pursuant to section 6(c) of the Act for exemption from section 22(d) of the Act and rule 22c-1 thereunder to permit a public offering of Dreyfus Fund shares in Japan to Japanese and other non-United States nationals in accordance with Japanese law and regulations but under terms and with sales charges which differ from the terms and charges described in the prospectus of the Dreyfus Fund that is used in the United States. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Section 22(d) of the Act provides, in substance, that no registered investment company may sell any redeemable security issued by it except either to or through a principal underwriter for distribution or at a current public offering price described in its prospectus. The current public offering price of Dreyfus Fund shares includes a sales charge and is subject to such terms and options as rights of accumulation, automatic withdrawal and purchases under a letter of intent as are described in the prospectus.

Rule 22c-1 provides, in pertinent part, that a redeemable security may be sold only at a price based on the current net asset value of the security which is next computed after receipt of an order to purchase such security.

On January 18, 1973, the Dreyfus Fund obtained an exemption from section 22 (d) of the Act and rule 22c-1 thereunder to permit a public offering of Dreyfus Fund shares in Japan to Japanese and other non-United States nationals in "an initial block offering at a price based on a previously determined net asset value plus sales charges that are different from those described in the Dreyfus Fund prospectus that is used in the United States, and subsequently, in a continuous offering at prices based on next computed net asset values plus such different sales charges which shall be in accordance with Japanese law and regulations" (investment company act release No. 7631).

Although at the time of the initial block offering it was not contemplated that additional block offerings would be made in the immediate future, it is now intended that a second block offering of Dreyfus Fund shares will be made in the near future and that additional block offerings may be made thereafter.

As a part of a block offering, the Daiwa Securities Co., Ltd. of Japan (Daiwa) will purchase shares from the Dreyfus Fund at the net asset value next computed in accordance with rule 22c-1 and subsequently, within a short period of time expected to be no more than a few days, resell these shares in Japan solely to non-United States nationals. The purchase price on resale will be the lesser of the price at which Daiwa purchased such shares from Dreyfus Fund or the net asset value determined as of the close of the market on the previous day, plus a sales charge not in excess of the sales charge permitted under applicable Japanese regulations.

Under Japanese marketing practice, in order for Daiwa to make block offerings, Daiwa must make sales at a known price, and it is for this reason that the sales price in such offerings will be based upon a previously determined net asset value. After the completion of the proposed block offering and any additional block offerings, Daiwa will continue to offer shares of the Dreyfus Fund in Japan upon the same terms described herein but at a price based upon the net asset value of the shares next computed by the Dreyfus Fund in accordance with rule 22c-1. The sale of these shares in Japan will be subject to Japanese regulations and Japanese marketing practices, and differences in the sales charges and related terms and conditions from those used in the United States are necessary as a practical matter for the Fund's entry into the Japanese capital market and are the same as those permitted by the Commission's order of January 18, 1973.

Dreyfus Fund sold 1,200,000 shares in its initial block offering in Japan, but from completion of the offering until May 1, 1973, only 2,300 additional shares had been sold there. As of the same date, total shares redeemed by Japanese investors totalled 26,960. Based upon this sales experience, Daiwa has advised the Dreyfus Fund that its sales personnel would find it difficult to market substantial amounts of Dreyfus Fund shares other than by means of block offerings from time to time at known prices and that it has concluded that block offerings constitute the best practicable means of successfully marketing Dreyfus Fund shares in Japan. Although a Japanese mutual fund may make both block offerings and continuous offerings, a block offering with a definite number of shares at a definite price is more frequently used and is familiar to Japanese investors. The Dreyfus Fund represents that if it were limited to making a continuous offering, it would be at a competitive disadvantage vis-a-vis Japanese mutual funds.

The Dreyfus Fund requests that an order be entered, pursuant to section 6(c) of the Act, exempting the Dreyfus Fund from section 22(d) of the act and rule 22c-1 thereunder to permit a public offering of Dreyfus Fund shares in Japan to non-United States nationals in connection with the proposed block offering and any additional block offerings, at a price or prices based on a previously determined net asset value or values, plus sales charges that are different from those described in the Dreyfus Fund prospectus that is used in the United States, and to permit a continuous offering following the currently proposed block offering and during the period or periods intervening or following any additional block offerings, so long as all such block or continuous offerings conform to the description of the offerings contained in the application.

Section 6(c) of the act authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from the provisions of the act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Dreyfus Fund represents that the exemption of said proposal from the provisions of section 22(d) and rule 22c-1 pursuant to section 6(c) is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended

by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 13, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is loated more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon receipt or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73–11027 Filed 6–1–73;8:45 am]

TARIFF COMMISSION

[AA1921–122]

DEFORMED CONCRETE REINFORCING BARS OF NONALLOY STEEL

Notice of Investigation and Hearing

Having received advice from the Treasury Department on May 25, 1973, that deformed concrete reinforcing bars of nonalloy steel from Mexico are being, or are likely to be, sold at less than fair value, the U.S. Tariff Commission on May 30, 1973, instituted investigation No. AA1921–122 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Hearing.—A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.s.t., on Tuesday, July 24, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, July 19, 1973.

Issued May 30, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73–11089 Filed 6–1–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 265]

ASSIGNMENT OF HEARINGS

MAY 30, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No Amendments will be entertained after the date of this publication.

FD 27345, Chicago, Milwaukee, St. Paul & Pacific Railroad Co., discontinuance of passenger trains nos. 118, 119, 601, 605, 604, and 610 between Fox Lake, Ill., and Walworth, Wis., now assigned June 25, 1973, at Chicago, Ill., will be held in room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, June 27, 1973, at Fox Lake, Ill., will be held at the Lions Club, Marvin and South Streets, and June 27, 1973 (8 p.m.), will be held at the Big Foot High School Auditorium, Intersection of Devil Lane and Fifth Street, Walworth, Wis.

MC–136839, Josephine Koffman and Nancy J. Nimmo, d.b.a. Bergen Limousine Rental Service, now assigned June 27, 1973, will be held in courtroom 4, U.S. Customs Court, 1 Federal Plaza, New York, N.Y.

No. 35789, Sydney Libson v. The Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., trustees, now assigned June 25, 1973, will be held in courtroom 4, U.S. Customs Court, 1 Federal Plaza, New York, N.Y.

MC 51146 subs 284, 285, 286, and 287, Schneider Transport, Inc., continued to June 25, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 129631 sub 38, Pack Transport, Inc., now being assigned hearings June 18, 1973 (1 week), at the Benson Hotel, 309 Southwest Broadway, Portland, Oreg., July 9, 1973 (1 week), at the Westbury Hotel, 480 Sutter Street, San Francisco, Calif., and July 16, 1973 (1 week), at the Roadway Inn, 154 West Sixth South Street, Salt Lake City, Utah.

MC–87532 sub 7, Clay Products Transport, Inc., now assigned June 4, 1973, at Columbus, Ohio, is cancelled and the application dismissed.

MC 74321 sub 68, B. F. Walker, Inc., now assigned June 11, 1973, at Chicago, Ill., is cancelled and the application is dismissed.

No. 35834, increased rates, Matson Navigation Co., No. 35834 sub 1, increased rates, Seatrain Lines, California, No. 35834 sub 2, increased rates, Trans-Continental Freight Bureau, and No. 35834 sub 3, increased rates, United States Lines, now being assigned hearing September 17, 1973 (1 week), at San Francisco, Calif., in a hearing room to be later designated.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.73–11048 Filed 6–1–73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 30, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42693.—Iron or steel articles to West Park, Tex., filed by Southwestern Freight Bureau, agent (No. B–416), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from various points in the United States, to West Park, Tex.

Grounds for relief.—Rate relationship.

Tariff.—Supplement 386 to Southwestern Freight Bureau, agent, tariff 301–E, ICC No. 4753. Rates are published to become effective on July 9, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–11049 Filed 6–1–73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—JUNE

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*
14361–14659	June 1
14661–14732	4